
(2014) 05 MEG CK 0009
In the Meghalaya High Court
Case No : W.P. (C) No. 212 of 2013

Renu Thapa

APPELLANT

Vs

The North Eastern Electric Power Corporation Limited

RESPONDENT

Date of Decision : 01-05-2014

Acts Referred:

Citation : (2014) LabIC 2891

Hon'ble Judges : T. Nandakumar Singh, J

Bench : Single Bench

Final Decision : Disposed Off

Judgement

T. Nandakumar Singh, J.—Heard Mr. A.S. Siddiqui, learned counsel appearing for the petitioner and Mr. V.K. Jindal, learned Senior counsel, assisted by Mr. S. Dey, learned counsel appearing for respondent Nos. 1 & 2. None appears for respondent Nos. 3, 4 & 5 inspite of proper service of notice of the present writ petition to them. The petitioner is the widow of (L) Pramod Kumar Thapa who was serving as Light Vehicle Driver (SG) under the respondent No. 1 and died on 27.07.2009 at Bethany Hospital, Shillong. The respondent No. 3 is the first wife of (L) Pramod Kumar Thapa. On the death of (L) Pramod Kumar Thapa, a dispute between the petitioner and respondent No. 3 had been arisen in the matter of sharing the service benefits of the deceased (L) Pramod Kumar Thapa. But on the intervention of common friends as well as the well wishers, the petitioner and the respondent No. 3 had amicably settled the dispute outside the Court and reduced the terms of settlement into a Deed of Settlement dated 14.03.2012 wherein, it is provided that:

- (a) The parties shall divide the terminal benefits of the deceased and so also his liabilities equally;
- (b) Out of the family pension the Respondent No. 3 shall pay a sum of Rs. 1,500/- (Rupees one thousand five hundred) only per month to the aforesaid children of the Petitioner;

(c) The Respondent Nos. 1 & 2 shall pay a sum of Rs. 1,500/- (Rupees one thousand five hundred) only per month from the family pension and shall deposit the same in the State Bank of India, Polo Branch, Shillong in the Petitioner's Saving Bank A/c No. 31111462563.

(d) Pursuance to execution of the Settlement Deed the Respondent No. 3 shall withdraw the Court case being Misc. Case No. 85 (T) of 2012 from the Court of Additional Deputy Commissioner, Shillong.

2. After the execution of the said Deed of Settlement dated 14.03.2012, the petitioner and respondent No. 3 had submitted the terms of settlement to the respondent Nos. 1 & 2 who duly accepted the terms and conditions of the settlement. In pursuance to the said Deed of Settlement dated 14.03.2012, the respondent No. 2 vide Office Order No. 524 dated 31.05.2012 contained in the Memo No. PERS/14/G-19.pt.-II/3839-42 dated 31.05.2012 paid a sum of Rs. 5,00,000/- (Rupees five lakhs) only being a lump sum financial benefits in lieu of compassionate appointment at the ratio of 50:50 through A/c payee cheque to the petitioner and the respondent No. 3. It is also further stated that the respondent No. 2 vide Office Order No. 541 dated 04.06.2012 released the leave encashment amount to the petitioner and the respondent No. 3 at the ratio of 50:50 and also the other amounts like gratuity also had been released to the petitioner and respondent No. 3 at the ratio of 50:50.

3. Regarding the family pension of (L) Pramod Kumar Thapa, pension papers cannot be prepared only because of misunderstanding between the petitioner and respondent No. 3 and also that the pension papers under the law cannot be prepared in the names of two wives. The respondent Nos. 1 & 2 are not denying the said fact that the financial benefits of (L) Pramod Kumar Thapa, so far as his service benefits are concerned, except the family pension had already been released by the respondent Nos. 1 & 2 to the extent of 50:50 to the petitioner and the respondent No. 3.

4. As stated above, the Deed of Settlement dated 14.03.2012, had already acted upon not only by the petitioner and the respondent No. 3 but also by authorities i.e. respondent Nos. 1 & 2. Mr. V.K. Jindal, learned senior counsel appearing for the respondents fairly submits that the pension papers cannot be prepared in the names of two wives and also respondent Nos. 1 & 2 had already forwarded the necessary pension papers to the respondent Nos. 4 & 5 for making payment of the family pension of (L) Pramod Kumar Thapa in the terms of settlement mentioned in the deed of settlement dated 14.03.2012 to the petitioner and respondent No. 3.

5. It is an undisputed case of the parties that the respondent No. 3 is the first wife of (L) Pramod Kumar Thapa and the petitioner is the second wife. In the peculiar facts and circumstances of the case and also taking into consideration of the action taken up by the respondent Nos. 1 & 2 in pursuance of the said deed settlement dated 14.03.2012 and also that the petitioner and respondent No. 3

had already enjoyed the financial benefits of (L) Pramod Kumar Thapa, so far his service financial benefits are concerned except the family pension to the extent of the ratio of 50:50, this writ petition is disposed of by directing the respondent Nos. 4 & 5 to prepare the pension papers for family pension of (L) Pramod Kumar Thapa in the name of the first wife i.e. respondent No. 3 and the respondent No. 3 has to deposit Rs. 1,500/- (Rupees one thousand five hundred) only as agreed upon between the petitioner and respondent No. 3 under the Deed of Settlement dated 14.03.2013 for every month on receipt of the family pension in the bank account of the petitioner being SB A/c No. 31111462563 S.B.I. Polo Branch, Shillong. It is also made clear that if the arrear pension is to be released, the share of the petitioner should be calculated at the rate of Rs. 1,500/- (Rupees one thousand five hundred) only per month and the respondent No. 3 shall deposit the share of the petitioner in the said Bank Account No. of the petitioner and the respondent Nos. 4 & 5 shall also ensure that the respondent No. 3 has to deposit the share of the petitioner of the family pension of (L) Pramod Kumar Thapa in the account of the petitioner indicated above whenever the respondent No. 3 received the family pension of (L) Pramod Kumar Thapa. In the terms indicated above, this petition is disposed of.