

WP(C)No. 162 of 2014

30.04.2014

HON'BLE THE CHIEF JUSTICE

Shri PT Sangma, Advocate, present for the petitioner.

Shri S Sen Gupta, Advocate, present for respondents.

Learned counsel for the respondents prays for and is allowed four weeks' time to file counter affidavit.

List after four weeks along with WP(C)No. 158 of 2014.

CHIEF JUSTICE

dev
30.04.14

MC No. 29 of 2014
IN WP(C)No. 35 of 2014

30.04.2014

HON'BLE THE CHIEF JUSTICE

List this Misc. Case along with WP(C)No. 35 of
2014.

CHIEF JUSTICE

dev
30.04.14

MC No. 118 of 2014
IN WP(C)No. 138 of 2014

30.04.2014

HON'BLE THE CHIEF JUSTICE

List this Misc. Case along with WP(C)No. 138 of
2014.

CHIEF JUSTICE

dev
30.04.14

MC No. 128 of 2014
IN WP(C)No. 150 of 2014

30.04.2014

HON'BLE THE CHIEF JUSTICE

In view of the order of the date passed in WP(C)No.
150 of 2014, this Misc. Case is also dismissed.

(Prafulla C Pant)
CHIEF JUSTICE

dev
30.04.14

WP(C)No. 30 of 2014

30.04.2014

HON'BLE THE CHIEF JUSTICE

Ms QB Lamare, Advocate, present for the petitioners.

Shri S Sen Gupta, Advocate, present for the respondents.

Learned counsel for the respondents prays for and is allowed further four weeks' time to file counter affidavit.

List after four weeks along with WP(C)No. 158 of 2014.

CHIEF JUSTICE

dev
30.04.14

WP(C)No. 35 of 2014

30.04.2014

HON'BLE THE CHIEF JUSTICE

Ms A Kharumnuid, Advocate, present for the petitioner.

Ms QB Lamare, Advocate, present for respondents No. 1 to 3.

Shri PT Sangma, Advocate, present for respondents No. 4 and 5.

Affidavit-in-opposition has been filed on behalf of respondents No. 4 and 5. Same be taken on record.

Learned counsel for the petitioner prays for and is allowed three weeks' time to file rejoinder to the counter affidavit filed on behalf of respondents No. 4 and 5.

List after three weeks. Meanwhile, respondents No. 1 to 3 are allowed further time to file their counter affidavits.

CHIEF JUSTICE

dev
30.04.14

WP(C)No. 111 of 2013

30.04.2014

HON'BLE THE CHIEF JUSTICE

Shri MF Qureshi, Advocate, present for the petitioner.

Shri KP Bhattacharjee, Advocate, present for respondents.

Learned counsel for the petitioner prays for and is allowed further two weeks' time to file rejoinder affidavit.

List after two weeks.

CHIEF JUSTICE

dev
30.04.14

WP(C)No. 133 of 2014

30.04.2014

HON'BLE THE CHIEF JUSTICE

Shri HS Thangkhiew, Senior Advocate, assisted by
Shri N Mozika, Advocate, present for the petitioner.

Ms PS Nongbri, Advocate, present for the
respondents.

This is an admitted petition in which affidavits have
already been exchanged.

List this writ petition for hearing before the
appropriate Bench.

Interim order dated 07.04.2014 is extended till the
next date of listing.

CHIEF JUSTICE

dev
30.04.14

WP(C)No. 137 of 2014

30.04.2014

HON'BLE THE CHIEF JUSTICE

Shri S Sen, Advocate, present for the petitioner.

Ms PS Nongbri, Advocate, present for the respondents.

Learned counsel for the petitioner states that rejoinder affidavit has been filed in the Registry today.

This is an admitted petition in which affidavits have already been exchanged.

List this writ petition for hearing before the appropriate Bench.

Interim order dated 07.04.2014 is extended till the next date of listing.

CHIEF JUSTICE

dev
30.04.14

WP(C)No. 138 of 2014

30.04.2014

HON'BLE THE CHIEF JUSTICE

Shri S Sen, Advocate, present for the petitioner.

Ms PS Nongbri, Advocate, present for the respondents.

Learned counsel for the petitioner prays for and is allowed further one week's time to file rejoinder affidavit.

List after one week.

CHIEF JUSTICE

dev
30.04.14

WP(C)No. 384 of 2013

30.04.2014

HON'BLE THE CHIEF JUSTICE

Shri SA Sheikh, Advocate, present for the petitioners.

Shri S Sen Gupta, Advocate, present for the respondents.

Learned counsel for the respondents prays for and is allowed further four weeks' time to file counter affidavit.

List after four weeks along with WP(C)No. 158 of 2014.

CHIEF JUSTICE

dev
30.04.14

WP(C)No. 163 of 2014

30.04.2014

HON'BLE THE CHIEF JUSTICE

Shri PT Sangma, Advocate, present for the petitioner.

Shri S Sen Gupta, Advocate, present for respondents.

Learned counsel for the respondents prays for and is allowed four weeks' time to file counter affidavit.

List after four weeks along with WP(C)No. 158 of 2014.

CHIEF JUSTICE

dev
30.04.14

THE HIGH COURT OF MEGHALAYA

WP(C)No. 248 of 2013

Smti Saira Hamid Khan, wife of (L) Abdul Hamid Khan,
d/o Shri Nasiruddin Khan, r/o 4/666 Alam Bagh
Bhamala, District : Aligarh-202001, Uttar Pradesh.

..... **Petitioner**

-Versus-

1. Union of India, represented by its Secretary, Ministry of Home Affairs, North Block, New Delhi-110011.
2. The Director General Headquarter : Directorate General Assam Rifles, Laitkor, Shillong-10.
3. The Colonel (Records) Head Quarter : Directorate General Assam Rifles Laitkor, Shillong-10.
4. The Commandant, Head Quarter : 31st Assam Rifles, C/o 99 APO.

..... **Respondents**

Smti M Jha, Advocate, present for the petitioner
Shri R Deb Nath, CGC, present for respondents

Date of Judgment and Order 30th April, 2014

O R D E R

ORAL: HON'BLE PRAFULLA C. PANT, CHIEF JUSTICE

Heard.

2. By means of this writ petition, the petitioner has sought writ in the nature of mandamus directing the

respondents to release family pension as well as death-cum-retiral dues of Late Abdul Hamid Khan.

3. The brief facts of the case are that Abdul Hamid Khan was a Havildar (GD) with Assam Rifles, Shillong. He is said to have died on 31.12.2011. The writ petitioner claiming herself to be the widow of the deceased employee has stated that she is entitled to release of the family pension and other death-cum-retiral dues of the deceased. It is admitted in the writ petition that as per the Service Book, the writ petitioner was nominee of her husband only to the extent of 35% of share in the Group Insurance Scheme, and rest was to be paid to the parents of the deceased.

4. In the counter affidavit filed on behalf of the respondents, it has been stated that an Original Suit No. 727/2012 has been filed by the mother of the deceased, alongwith first wife of the deceased and son of the deceased which is pending before the Addl. Civil Judge (Sr. Div) Court No. 2, Aligarh, Uttar Pradesh. A copy of the order dated 27.11.2013 passed by the said Court has been annexed as Annexure I to the counter affidavit,

whereby, the application under 7C 2 for interim relief has been disposed of by a reasoned order directing the respondents not to release the service benefits of the deceased. By the said order, it is also clear that even the present writ petitioner who is defendant No. 4 before the Civil Court of Aligarh has been restrained from taking service benefits. The said suit is stated to be still pending.

5. In the above circumstances, the relief claimed by the present writ petitioner seeking direction against the respondents to release family pension as well as death-cum-retiral dues of the deceased to the petitioner cannot be granted, as the interim order passed by the Addl. Civil Judge (Sr. Div) Court No. 2 Aligarh, UP in Original Suit No. 727 of 2012 is still in operation.

6. Therefore, this writ petition is dismissed summarily without prejudice to the rights of the parties in the lis (Original Suit No. 727 of 2012) pending before the Addl. Civil Judge (Sr. Div) Court No. 2 Aligarh, UP.

(Prafulla C Pant)
CHIEF JUSTICE

WP(C)No. 327 of 2013

30.04.2014

HON'BLE THE CHIEF JUSTICE

Ms A Kharumnuid, Advocate, present for the petitioner.

Shri S Sen Gupta, Advocate, present for the respondents.

Learned counsel for the respondents prays for and is allowed further four weeks' time to file counter affidavit.

List after four weeks.

Interim order dated 18.11.2013 is extended till the next date of listing.

CHIEF JUSTICE

dev
30.04.14

WP(C)No. 328 of 2013

30.04.2014

HON'BLE THE CHIEF JUSTICE

Ms A Kharumnuid, Advocate, present for the petitioner.

Shri S Sen Gupta, Advocate, present for the respondents.

Learned counsel for the respondents prays for and is allowed further four weeks' time to file counter affidavit.

List after four weeks.

Interim order dated 18.11.2013 is extended till the next date of listing.

CHIEF JUSTICE

dev
30.04.14

WP(C)No. 329 of 2013

30.04.2014

HON'BLE THE CHIEF JUSTICE

Shri N Zaman, Advocate, present for the petitioners.

Shri KP Bhattacharjee, Advocate, present for the respondents.

Respondents No. 8 to 12 are treated sufficiently served as notices sent to them on 25.03.2014 by Registered Post are not received back.

Learned counsel for the petitioner prays for and is allowed to take fresh steps for service on the respondent No. 13 with correct particulars.

Issue fresh notice to said respondent.

List after four weeks. Meanwhile, respondents No. 1 to 7 are allowed further four weeks' time to file their counter affidavits.

CHIEF JUSTICE

dev
30.04.14

WP(C)No. 348 of 2013

30.04.2014

HON'BLE THE CHIEF JUSTICE

Shri N Zaman, Advocate, present for the petitioner.

Shri SC Shyam, Senior Advocate, present for the respondents.

Learned counsel for the petitioner prays for and is allowed four weeks' time to file rejoinder affidavit to the counter affidavit read with supplementary affidavit-in-opposition filed by the respondents.

List after four weeks.

CHIEF JUSTICE

dev
30.04.14

WP(C)No. 371 of 2013

30.04.2014

HON'BLE THE CHIEF JUSTICE

Shri SA Sheikh, Advocate, present for the petitioners.

Shri S Sen Gupta, Advocate, present for the respondents.

Learned counsel for the respondents prays for and is allowed further four weeks' time to file counter affidavit.

List after four weeks along with WP(C)No. 158 of 2014.

CHIEF JUSTICE

dev
30.04.14