

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 281 of 2017

Date of order: 05.11.2024

Meghalaya College Teachers Association vs State of Meghalaya

Coram:

Hon'ble Mr. Justice Justice I.P. Mukerji, Chief Justice
Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner : Mr. R. Mazumdar, Adv.

For the Respondent : Mr. K. Khan, AAG with
Ms. A. Thungwa, GA [For R1&2]
Mr. B.A. Wanswett, Adv. vice
Mrs. P.D. Bujarbaruah, Sr. Adv. [For R 4&5]

This writ petition concerns the centralised provident fund scheme of the state government for deficit schools and colleges in Meghalaya.

We observe from the letter of the education department dated 23rd October, 2024 to its Advocate General, that a Centralised Provident Account would be operated for those employees who joined service prior to 1st April, 2010. By its letter dated 30th September, 2024, the government had instructed all employees of schools and colleges under the deficit grant-in-aid scheme to transfer the amount accumulated in the present contributory provident fund to the centralised provident fund account "The Meghalaya Non-Government School and College Central

Pension and Provident Fund” with the State Bank of India, for the above category of employees.

However, in paragraph 2 of the communication, it is stated that the state government had signed a Memorandum of Understanding with the State Bank of India on 22nd October, 2024 for introducing a new pension scheme to those employees who had joined service on or after 1st April, 2010. The implementation of the new pension scheme was under way.

There was no whisper of implementation of the scheme for the pre 1st April, 2010 employees. Learned counsel for the petitioners submits that the scope of the writ petition covers employees, who had joined prior to 1st April, 2010 and also those who had joined thereafter. His clients had no grievance against the implementation of the new pension scheme for employees who had joined after 1st October, 2024. With regard to those employees who had joined prior to 1st October, 2010, orders and directions should be passed by this Court to compel the government to act in terms of the averments made in their affidavit that there would be transfer of accumulated funds to State Bank of India and then its application according to a scheme, the detailed terms and conditions of which would be embodied in the said Memorandum of

Understanding, which should be similar to that covering the post 1st April, 2010 employees.

We have also heard Mr. K. Khan, learned AAG who submitted that the writ petitioner sought to have been more specific in their prayers and that the government was not opposed to applying the scheme to pre-1st April, 2010 employees.

In that view of the matter, we direct that the state government and the State Bank of India to finalise the Memorandum of Understanding by 30th November, 2024 and then notify an appropriate scheme in the official gazette of the government by 15th December, 2024 covering employees who joined prior to 1st April, 2010. The implementation of the new pension scheme covering employees, who joined after 1st April, 2010 should continue.

List this writ petition for receiving an action taken report, on 17th December, 2024.

(W. Diengdoh)
Judge

(Justice I.P. Mukerji)
Chief Justice

Meghalaya
05.11.2024
"Sylvana PS"