Serial Nos.01-04
Daily List

MLHC010012962026

HIGH COURT OF MEGHALAYA
AT SHILLONG

WA No.37/2026 with
WA No.38/2026
WA No.39/2026
WA No.40/2026

Date of Decision: 06.11.2026
Uploaded on: 06.11.2026

Shri Hassain Ali Sarker, Son of Late Korban Ali, R/o Village-Magurmari, PO-Rajabala, PS-Rajabala, West Garo Hills District, Meghalaya. ..... Appellant

Vs.

1. The State of Meghalaya, represented by the Commissioner & Secretary, Education Department, Government of Meghalaya, Shillong.

2. The Director of Local Fund Audit, Meghalaya, Shillong.

3. The Director of School Education and Literacy, Meghalaya, Shillong.

4. The District School Education Officer, Tura, West Garo Hills, Meghalaya. ..... Respondents

Smti. Kanchon Begum, wife of Late Joynal Abdin, R/o Village-Bhaitbari, PO-Bhaitbari, PS-Phulbari, West Garo Hills District, Meghalaya. ..... Appellant

Vs.

1. The State of Meghalaya, represented by the Commissioner & Secretary, Education Department, Government of Meghalaya, Shillong.

2. The Director of Local Fund Audit, Meghalaya, Shillong.

3. The Director of School Education and Literacy, Meghalaya, Shillong.

4. The District School Education Officer, Tura, West Garo Hills, Meghalaya. ..... Respondents

Shri Abdul Wahab Miah, son of Late Afser Ali Munshi, R/o Village-Garodubi, PO-Haripur, PS-Rajabala, West Garo Hills District, Meghalaya. ..... Appellant

Vs.

1. The State of Meghalaya, represented by the Commissioner & Secretary, Education Department, Government of Meghalaya, Shillong.

2. The Director of Local Fund Audit, Meghalaya, Shillong.

3. The Director of School Education and Literacy, Meghalaya, Shillong.

4. The District School Education Officer, Tura, West Garo Hills, Meghalaya. ..... Respondents

Shri Rahim Ali, son of Late Tarifullah Dewani, R/o Village-New Bhaitbari, PO-New Bhaitbari, PS-Rajabala, West Garo Hills District, Meghalaya. ..... Appellant

Vs.

1. The State of Meghalaya, represented by the Commissioner & Secretary, Education Department, Government of Meghalaya, Shillong.

2. The Director of Local Fund Audit, Meghalaya, Shillong.

3. The Director of School Education and Literacy, Meghalaya, Shillong.

4. The District School Education Officer, Tura, West Garo Hills, Meghalaya. ..... Respondents

Coram:
Hon'ble Mrs. Justice Revati Mohite Dere, Chief Justice
Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Appellants : Mr. S.K. Hassan, Adv with
Ms. M. Rahman, Adv

For the Respondents : Mr. N.D. Chullai, AAG with
Ms. R. Colney, GA

i) Whether approved for reporting in Law journals etc.: Yes/No

ii) Whether approved for publication in press: Yes/No

JUDGMENT: (per the Hon'ble, the Chief Justice): (Oral)

Heard Mr. Hassan, learned counsel for the appellants and Mr. N.D. Chullai, learned AAG in all the aforesaid appeals.

2. By the aforesaid appeals, the appellants have impugned the order dated 10th July, 2026, only to the extent that it does not grant any interest on the amount paid to the appellants.

3. A few facts as are necessary to consider the appeals are as under;

4. All the appellants, except the appellant in ***WA No.38 of 2026***, were employed in different capacities in Bhaitbari Higher

Secondary School, West Garo Hills i.e., either Assistant teacher, Hindi teacher or as Chowkidar. As far as appellant in ***WA No.38 of 2026*** is concerned, the appellant's husband was appointed as an Assistant teacher in Bhaitbari Higher Secondary School, West Garo Hills. All the appellants hereinabove, including the appellant's husband in ***WA No.38 of 2026***, superannuated some time in 2019-2020. It is not in dispute that the first instalment of Death Cum Retirement Gratuity (DCRG) of ₹3.50 lakhs was released to the employees as per the old DCRG scheme.

5. On 19th March, 2025, the Education Department, Government of Meghalaya, conveyed the approval of the Government for enhancement of the ceiling of DCRG to the staff (teaching and non-teaching) of Deficit Secondary/Higher Secondary School and Lower Primary and Upper Primary School from ₹3.50 lakhs to ₹10,00,000 lakhs w.e.f. 1st January, 2017 onwards.

6. It appears that the employees i.e., the appellants and the appellant's husband in ***WA No.38 of 2026***, filed representations before the respondent No.3, praying therein for release of the

balance enhanced DCRG amount to them. Writ petitions were filed by the aforesaid appellants in this Court before the learned Single Judge with a prayer to release the balance enhanced DCRG amount of ₹6.50 lakhs alongwith interest for the delayed payment to the appellants.

7. On 28th January, 2026, during the pendency of the writ petitions filed by the appellants, the respondent authorities accorded sanction for payment of the DCRG to the retired/deceased staff and as such, during the pendency of the writ petitions, the respondent authorities released the balance enhanced DCRG amount of ₹6.50 lakhs to the appellants on 27th February, 2026.

8. In view of the aforesaid, the learned Single Judge disposed of the writ petitions filed by the appellants vide judgment and order dated 10th July, 2026, since the appellants were paid the enhanced amount from January, 2026, without any interest on delayed payment of enhanced DCRG.

9. The appellants are aggrieved only to the extent of non-grant of interest on the delayed payment of enhanced DCRG.

10. It is a matter of record that on 19th March, 2025, the Education Department, Government of Meghalaya, conveyed the approval of the Government for enhancement of the ceiling of DCRG to the staff (teaching and non-teaching) of deficit Secondary/Higher Secondary School and Lower Primary and Upper Primary School from ₹3.50 lakhs to ₹10,00,000 lakhs w.e.f. 1st January, 2017 onwards.

11. It is also a matter of record that pursuant to the sanction conveyed by the Governor of Meghalaya, the Education Department accorded sanction for payment of DCRG to the retired/deceased staff of the existing deficit Secondary and Higher Secondary schools on 28th January, 2026.

12. It is not in dispute that as soon as sanction was accorded on 28th January, 2026 within one month thereof, the retired/deceased staff i.e., the appellants were paid the enhanced amount.

13. The grievance of the learned counsel for the appellants in all the aforesaid appeals is that the appellants are entitled for interest from the time the approval was granted till sanction was accorded. Learned counsel for the appellants relied on the judgment of the Apex Court in ***D.D. Tewari (Dead) through legal representatives v. Uttar Haryana Bijli Vitran Nigam Limited & ors*** reported in ***(2014) 8 SCC 894*** in support of his submission.

14. We have perused the judgment. There can be no dispute with respect to what is held therein. However, the proposition agitated by the learned counsel for the appellants herein is not covered by the said judgment and as such, it is clearly distinguishable.

15. Payment of interest on delayed payment, if any, will have to be considered from the date sanction is accorded. In the event, there is any delay in making the payment, post according of sanction, depending on the facts and circumstances or reasons for delay, interest can be awarded. Interest cannot be given from the date of approval of the policy till sanction is accorded. Once

sanction is accorded, payment must be made expeditiously. If payment is delayed depending on the number of months of delay, the question of interest component would come into the picture. In the facts, payment of ₹6,50,000/- was made within one month of sanction being accorded. Hence, the facts in hand, do not warrant grant of any interest during the period the approval till sanction was accorded by the Government.

16. In view of the aforesaid, there is no merit in the appeals. The appeals are accordingly dismissed.

(W. Diengdoh)
Judge

(Revati Mohite Dere)
Chief Justice

Meghalaya
06.11.2026
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Verified
Digitally signed by: LAMPHRANG KHARCHANDY
Signed On: 06-11-2026 18:08:41 IST