

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.189/2023

Smt. Tasmin Begum

.....Petitioner(s).

V E R S U S

The Union of India & others

.....Respondent(s).

For Petitioner(s) : Mr. P. Roy Barman, Sr. Advocate,
Ms. Sutapa Deb Barman, Advocate.

For Respondent(s) : Mr. Bidyut Majumder, Deputy S.G.I.

HON'BLE THE CHIEF JUSTICE (ACTING)

Order

31/03/2023

Heard Ms. Sutapa Deb Barman, learned counsel appearing for the petitioner. Also heard Mr. Bidyut Majumder, learned Deputy S.G.I. appearing for the respondents-Union of India.

2. This instant writ petition has been filed under Article 226 of the Constitution of India seeking a direction to the respondents to grant family pension in favour of the petitioner from the date of death of her husband.

3. The case of the petitioner, in brief, is that the husband of the petitioner Late Helal Miah was serving as Havilder in the Assam Rifles.

Helal Miah expired on 12.08.2018 leaving behind the petitioner and their only son. Late Helal Miah was a disability pension holder drawing monthly pension @ Rs.25,000/- and on his death, petitioner became entitled to get family pension. But till date, the respondent authorities on the pretext of some technical defects withheld the family pension in favour of the petitioner. Aggrieved thereby, the petitioner has filed this writ petition to grant family pension in her favour from the date of death of her husband. Hence, this case.

4. Petitioner has prayed for the following reliefs:

"(I) Issue Rule upon the Respondents to show cause as to why a writ in the nature of Mandamus and/or order/orders and/or direction/directions of like nature shall not be issued whereby directing the Respondents to grant family pension in favour of the Petitioner from the date of death of her husband i.e. 12.08.2018.

(II) Make the rules absolute.

(III) Call for records.

(IV) Pass any further order/orders as this Hon'ble High Court considered fit and proper."

5. Ms. Sutapa Deb Barman, learned counsel appearing for the petitioner, contends that after the death of her husband petitioner became entitled for family pension and the petitioner time and again submitted representations to the Directorate of Assam Rifles, Shillong (Pension

Grievance Cell) for release of her family pension but the respondent authorities due to some technical defects withheld her pension. Counsel also contends that due to non-payment of family pension, the petitioner is facing hardship as she has no other means of income to sustain her livelihood. Accordingly, she prays for directing the respondents to grant family pension in her favour from the date of death of her husband.

On the other hand, Mr. Bidyut Majumder, learned Deputy S.G.I. appearing for the respondents-Union of India, in rebuttal of the submission of the learned counsel for the petitioner, contends that to rectify the defects with regard to date of birth of the petitioner, she was asked to submit documents in support thereof, but the petitioner without submitting the necessary documents has approached this Court by filing this writ petition.

6. Accordingly, this Court is of the considered view that the objection has been raised indicating the date of birth of the petitioner in proceedings dated 13.01.2023 as 01.03.1983 as per service records and 10.03.1983 as per the documents submitted by the petitioner. Insofar as this discrepancy is concerned, this Court directs the respondents not to refer the same and to consider the other documents and if the same are as per procedure, the respondents shall consider the reliefs sought for by the

petitioner in accordance with law within a period of two months from the date of receipt of the documents.

This Court feels that the manner in which the dates 01.03.1983 and 10.03.1983 are entered, there could be an amount of suspicion due to endorsing the date erroneously, for which the widow cannot be put to any hardship. The respondent officers are directed to act in a pragmatic manner and consider the case in more human concern.

7. With the above observation and direction, the writ petition is disposed of.

Pending application(s), if any, also stands disposed of.

CHIEF JUSTICE (ACTING)

Pulak