

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No. 779 of 2021

Smt. Sahera Begam

...Petitioner(s)

Vs

The State of Tripura and 4 Ors.

...Respondent(s)

For the Petitioner(s)	:	Mr. P. Roy Barman, Sr. Advocate Mr. S. Bhattacharjee, Advocate
For the Respondent(s)	:	Mr. R.G. Chakraborty, Advocate Mr. B. Majumder, Dy. SG

HON'BLE MR. JUSTICE ARINDAM LODH

Order

20/01/2023

Heard Mr. P. Roy Barman, learned senior counsel assisted by Mr. S. Bhattacharjee, learned counsel appearing for the petitioner. Also heard Mr. B. Majumder, learned Dy. SG appearing for respondents no.3 and 4 and Mr. R.G. Chakraborty, learned counsel appearing for respondent no.5.

The present writ petition has been filed by the legally married wife of the deceased employee namely Lt. Sayed Md. Habil Miah, a retired Constable under the Superintendent of Police, Unokoti who died on 31st May, 2021.

By way of filing the instant writ petition, the petitioner has prayed for following reliefs:

“a. Issue Rule upon the Respondents to show cause as to why a Writ in the nature of Mandamus and/or any other order/orders shall not be issued whereby directing the Respondents to sanction the family pension proposal in favor of the Petitioner, being the legally married wife of Lt. Syed Md. Habimiah, retired Govt. employee.

b. Call for the records pertaining to the instant Writ petition from the custody of the Respondents and to make the rule absolute.

AND

After hearing both the parties pass order/orders as this Hon’ble High Court considered fit and proper.”

During the proceeding of the writ petition, this Court with the consent of the learned counsels appearing on behalf of both the parties made an endeavour to compromise the subject in dispute keeping in mind the law of the land which is settled on this issue that even under Muslim Law, second wife will not be entitled to get the benefit of any pension. However, this Court and both the learned counsels appearing for the parties have taken a humanitarian approach to settle the issue so that the second wife also can lead a dignified life in this world. The first wife i.e. the legally married wife who is entitled to get the entire family pension or other benefits has agreed to sacrifice and give 50% of pension to the second wife i.e. respondent no.5.

In view of this, today both the wives of Lt. Sayed Md. Habil Miah are present before this Court along with their learned counsels as recorded here-in-above. Both are satisfied with the agreement reached between them today before this Court with the help of their learned counsels.

In the light of above, the instant writ petition is disposed of with the direction to respondents no.1 to 4 to provide 50% of the family pension in favour of the first wife i.e. the petitioner, namely Sahera Begam and the rest 50% to Smt. Mina Begam, respondent no.5.

It is made clear that this order will be effective from the month of January. It is informed and stated in the writ petition that release of family pension is due w.e.f. 01.06.2021. The respondents are directed to settle the family pension in the light of the above order and release the same within a period of 3 (three) months from today.

The petitioner, Smt. Sahera Begam has also agreed to provide a copy of all the related documents like survival, death certificates, etc. of Lt. Sayed Md. Habil Miah to respondent no.5, Smt. Mina Begam.

JUDGE



सत्यमेव जयते