

GAHC040001902023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)
(ITANAGAR BENCH)

Case No. : WP(C)/72/2023

Padumi Borah
W/o Lt. Dharmeswar Borah,
Vill. Mornoi Thenga,
PO Bihpuria, PS Bihpuria, PIN 784161, Dist. Lakhimpur, State Assam.

VERSUS

THE STATE OF AP and 5 Ors.
Represented by the Commissioner and Secretary (Home Deptt., Govt. of Arunachal Pradesh.)

2:The Director General of Police
Age: 0
Occupation :

3:Inspector General of Police
Age: 0
Occupation :

4:Superintendent of Police
Age: 0
Occupation :

5:The Accountant General
Age: 0
Occupation :

6:The Director
Age: 0
Occupation :

7:The Treasury Officer
Age: 0
Occupation

Advocate for the Petitioner : M Saikia

Advocate for the Respondent : GA (AP)

**BEFORE
HONBLE MR. JUSTICE BUDI HABUNG**

ORDER

Date : 04.12.2023

Heard Mr. M. Saikia, learned counsel for the petitioner. Also heard Ms. K. Wangmu, learned Government Advocate representing respondent Nos. 1, 5, 6 & 7 and Ms. L. Hage, learned Additional Public Prosecutor representing respondent Nos. 2, 3 & 4.

The case of the petitioner is that after superannuation on 31.03.2013, the husband of the petitioner Late Shri Dharmeshwar Borah was receiving his pensionary benefit regularly being PPO No. PEN/AP/22716/13-14/278/15612 till his death on 22.10.2020. However, after the death of her husband, the pensionary benefit entitled to the petitioner (Smti. Padumi Borah) being the wife and legal heir of Late Shri Dharmeshwar Borah was stopped due to non-issuance of duplicate PPO in favor of the petitioner. The petitioner had approached the respondent authority praying for issuance of duplicate pension

paper and also for release of family pension; however, the same was denied and thus being aggrieved, the petitioner has filed this writ petition praying for a direction for release of pensionary benefit entitled to her along with the arrear amounts from the date of the death of her husband Late Shri Dharmeshwar Borah. The petitioner also prayed for a direction to the respondent No. 5 to trace out the original/duplicate PPO book to ensure the releasing of her pensionary benefits.

By an order of this Court dated 24.11.2023 the learned Government Advocate Ms. Wangmu was requested to obtain instruction from the concerned Treasury Officer as to the steps taken by the said authority pursuant to the communication, dated 27.03.2023, issued by the Director of Audit & Pension, Government of Arunachal Pradesh, Naharlagun. In compliance of the said request, Ms. Wangmu, learned Government Advocate has produced a copy of PPO (Pension Payment Order) of Smti. Padumi Borah wife of Late Shri Dharmeshwar Borah, Ex-Head Constable which was forwarded to the Treasury Officer, Namsai District by the Director of Audit & Pension, Arunachal Pradesh. The said document is taken on record and form part of documents. The above forwarding letter dated 04.10.2023 shows that the PPO of the petitioner has been forwarded to the Treasury Officer, Namsai District for further necessary action. Ms. Wangmu, learned Government Advocate further submits that the respondents have filed their affidavit and she also submits that the family pension payable to the petitioner has already been authorized in the pension payment order (PPO) issued to the Treasury Officer vide letter No. PEN/AP/22716/13-14/278/15612, and now since the PPO has already been

forwarded to the Treasury Officer, Namsai, and a copy of the same has also been made available to the learned counsel for the petitioner, there shall be no hinderance with regards to the payment of family pension to the petitioner which she further assures that it shall be disbursed on time.

In view of above submission, and since the respondents have already forwarded the PPO of the petitioner and also served a copy of the same to the learned counsel for the petitioner and also considering that the respondents have agreed to release the pensionary benefits along with the arrears entitled to the petitioner; this writ petition is disposed of with a direction to the respondents authority/authorities to release the pensionary benefit entitled to the petitioner along with the arrear from the date of the death of the deceased husband of the petitioner Late Shri Dharmeshwar Borah and continued to pay the same. The entire exercise of calculation and release of the arrears to the petitioner shall be completed within 4(four) months from today.

With the above observation and direction, this writ petition stands allowed and disposed of.

JUDGE

Comparing Assistant