

GAHC040004032022



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

**Case No. : WP(C) 142/2022**

1:Karma Droma  
W/o Late Chau Rintu Singkai,  
Resident of Bomdila, PO/PS Bomdila, West Kameng District, Arunachal Pradesh.

VERSUS

1:THE STATE OF AP and 6 Ors.  
Represented by the Commissioner (Vigilance), Govt. of Arunachal Pradesh, Itanagar

2:The Commissioner (Vigilance)  
Govt. of Arunachal Pradesh  
Itanagar.

3:The Principal Secretary (Vigilance)  
Govt. of Arunachal Pradesh  
Itanagar

4:The Secretary  
Department of Health and Family Welfare

Govt. of Arunachal Pradesh  
Itanagar

5:The Deputy Commissioner  
West Kameng District  
Bomdila  
Arunachal Pradesh.

6:The District Land Revenue and Survey Officer  
West Kameng District  
Bomdila  
Arunachal Pradesh.

7:The District Medical Officer  
West Kameng District  
Bomdila  
Arunachal Pradesh

**Advocate for the Petitioner** : Dicky Panging, K Dewan, D Tamuk, Marge D, T Tayeng, Doge Lona, Kirmar Ado

**Advocate for the Respondent** : GA (AP), Spl. P.P., Ojing Pada, Taba Tagum, SC (Health)

**BEFORE**  
**HONBLE MR. JUSTICE NANI TAGIA**

**ORDER**

**Date : 04-04-2023**

Heard Mr. D. Panging, learned counsel for the petitioner. Also heard Mr. O. Pada, learned Standing counsel for the Vigilance Department, representing the respondent nos. 1, 2 & 3 and Mr. Y. Riram, learned Junior Government Advocate for the respondent nos. 5 & 6 as well as Mr. T. Tagum, learned Standing counsel for the Health and Family Welfare, representing the respondent nos. 4 & 7.

2. By means of this writ petition, the petitioner has challenged the letter dated 31.10.2016, written to the District Medical Officer, West Kameng District, Bomdila, by the Deputy Commissioner, West Kameng District, vide No. BC-71/2016, whereby, the No Objection Certificate (NOC) issued to the late husband of the petitioner has been directed to be not honoured on the ground that the late husband of the petitioner had illegally constructed a

building on the Government land adjacent to the Government Quarter he was residing.

3. The late husband of the petitioner was working as a Domicile Health Visitor in the Office of the District Medical Officer, West Kameng District, Bomdila. The late husband of the petitioner died in harness on 11.06.2016, while working as Domicile Health Visitor in the Office of the District Medical Officer, West Kameng District, Bomdila.

4. The grievance of the petitioner in the instant writ petition is that because of the letter dated 31.10.2016, written to the DMO by the Deputy Commissioner, West Kameng District, the death gratuity has not been paid to the petitioner and the family pension which was earlier paid has also now been stopped on the basis of the aforesaid letter.

5. It is the contention of the petitioner that death gratuity and the family pension cannot be withheld by the respondent authorities on the basis of encroachment made by the late husband of the petitioner on the Government land adjacent to the quarter allotted to him unless the same is prescribed under the relevant Act and the Rules governing the payment of death gratuity as well as the family pension.

6. Though counter-affidavits by the respondent nos. 1, 2 & 3 as well as respondent nos. 5 & 6 have been filed contesting the writ petition filed by the petitioner, learned counsels appearing for the respondents have not disputed the settled legal position in regard to the payment of the death gratuity as well as family pension that the same cannot be denied on the basis of an encroachment made in a Government land unless such a provision is provided in the Act or the Rules that governs the payment of

death gratuity as well as family pension.

7. In view of the above, this writ petition is hereby disposed of with a direction to the respondent authorities to pay to the petitioner the death gratuity as well as the family pension, if the petitioner is entitled to under the laws relevant to death gratuity as well as family pension, without insisting on NOC regarding the encroachment of Government land, as mentioned in the impugned letter dated 31.10.2016, written to the District Medical Officer, West Kameng District, Bomdila, by the Deputy Commissioner, West Kameng District, vide No. BC-71/2016.

8. Writ petition stands disposed of with the above direction.

**JUDGE**

**Comparing Assistant**