

GAHC010008972023



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

Case No. : WP(C)/312/2023

MAYA RANI DEB@MAYA RANI DEV@MAYARANI DEY
W/O- LATE AMIYA KUMAR DEB @ AMIYA KUMAR DEV @AMIYA KUMAR
DEY,
R/O- WARD NO-15,
R.K MISSION ROAD, DHUBRI,
P.O AND P.S- DHUBRI,
DIST- DHUBRI, ASSAM, PIN-783301

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, GENERAL ADMINISTRATION (B) DEPARTMENT, DISPUR,
GUWAHATI- 781006.

2:THE DEPUTY COMMISSIONER
DHUBRI
ASSAM
P.O AND P.S- DHUBRI

DIST- DHUBRI
ASSAM
PIN-783301

3:THE ACCOUNTANT GENERAL (A AND E)

ASSAM
MAIDAMGAON
BELTOLA
GUWAHATI-29.

4:THE TREASURY OFFICER
DHUBRI
ASSAM

P.O AND P.S- DHUBRI

DIST- DHUBRI
ASSAM
PIN-78330

Advocate for the Petitioner : MR. M HUSSAIN

Advocate for the Respondent : SC, AG (A AND E)

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 22.02.2023

Heard Mr.M. Hussain, the learned counsel appearing for the petitioner. Mr. R. Dhar, the learned counsel appears on behalf of the respondent Nos. 1 and 2, Mr. R.K. Talukdar, the learned counsel appears for the respondent No. 3 and Mr.A. Chaliha, the learned counsel appears for the respondent 4.

The issue involved in herein pertains to inaction on the part of the respondent authorities in paying the family pension to the petitioner on account of wrong recording in the Pension Payment Order wherein the petitioner's surname has been mentioned as "Dey", which ought to have been "Deb".

This Court vide an order dated 23/1/23 had directed the respondent authorities to obtain instructions in the matter thereby fixing on 3/2/2023. On 3/2/2023 Ms. S. Baruah, the learned counsel appearing on behalf of the Deputy Commissioner submitted that she requires some more accommodation. Accordingly the matter has been fixed today.

Mr. R. Dhar, the learned counsel appearing for the respondent Nos. 1 and

2 submits that unless the PPO is not corrected, the respondent Nos. 1 and 2 have no role to play.

Mr. A. Chaliha, the learned counsel appearing for the respondent No. 4 submits that pursuant to a meeting held by the Treasury Officer along with the office of the Deputy Commissioner, it has been found that unless a corrigendum is not issued by the Accountant General, Assam (A & E) for correction of the Pension Payment Order whereby the surname of the petitioner is corrected from "Dey" to "Deb", the Treasury Officer cannot take steps for issuing instructions to the bank for disbursement of the family pension.

I have also heard Mr. R.K.Talukdar, the learned Standing Counsel for the Accountant General (A&E), who submits that in the peculiar facts of the case, directions may be issued for issuance of the Corrigendum to the Office of the Accountant General (A & E) within a time frame.

This Court taking into account that in the Pension Payment Order No. 906611207700 the surname of the petitioner has been incorrectly mentioned as "Dey" which ought to have been "Deb" as would appear from the Election Commission of India's Photo Identity Card and Pan Card of the petitioner, this Court directs the Office of the Accountant General (A/E) to forthwith and not later than 15 days from today issue a corrigendum thereby amending the Pension Payment Order to the effect that the petitioner's name be shown as "Maya Rani Deb". Upon issuance of the said corrigendum within the time period as mentioned, the Office of the Accountant General shall forward the corrigendum to the Treasury Officer, Dhubri, who in turn shall forward the said corrigendum to the concerned bank, so that the petitioner can avail the family pension.

In that regard, the petitioner is further directed to approach the Treasury Officer, Dhubri and furnish her bank details.

The Registry shall furnish a copy of the instant order to Mr. R.K. Talukdar, the learned Standing Counsel for the Accountant General, Assam (A & E) for compliance.

JUDGE

Comparing Assistant