

GAHC010116602023



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

Case No. : WP(C)/3103/2023

SABITA SAIKIA
WIFE OF LATE PABITRA SAIKIA,
RESIDENT OF VILLAGE- GORESWAR,
P.O. AND P.S.- GORESWAR,
DISTRICT- MORIGAON, ASSAM,
PIN- 782108.

VERSUS

THE FOOD CORPORATION OF INDIA AND 3 ORS
REPRESENTED BY ITS CHAIRMAN CUM MANAGING DIRECTOR,
BARKHAMBA ROAD, NEW DELHI-6.

2:GENERAL MANAGER (REGION)
FOOD CORPORATION OF INDIA
REGIONAL OFFICE
ASSAM REGION

GUWAHATI- 781008.

3:THE REGIONAL MANAGER
FOOD CORPORATION OF INDIA
ASSAM REGION
ULUBARI

GUWAHATI-7
ASSAM.

4:ASSISTANT GENERAL MANAGER (ADMN.)
FOOD CORPORATION OF INDIA
ASSAM REGION
ULUBARI

GUWAHATI-7
ASSAM

Advocate for the Petitioner : MR. B CHAKRABORTY

Advocate for the Respondent : SC, F C I

BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM

ORDER

Date : 16-06-2023

Heard Mr. B. Chakraborty, learned counsel for the writ petitioner. Also heard Mr. V.K. Singh, learned standing counsel, FCI appearing for the respondent.

The petitioner's husband had died-in-harness on 18-08-2010 after rendering long years of service. According to the petitioner, she is entitled to receive family pension besides gratuity and provident fund (PF) dues. However, despite repeated requests made by her before the authorities, no action has been taken in the matter till today. Hence, this writ petition.

On the basis of order dated 02-06-2023 passed by this Court, Mr. Singh, learned standing counsel, FCI has obtained instruction and submits that the claim of the petitioner for payment of PF and gratuity will be processed as soon as she submits next of kin certified before the authorities. However, the petitioner may not be entitled to receive the family pension as the rules would not permit the same.

Mr. Chakraborty has also confirmed that after the order dated 02-06-2023 was

passed by this Court, his client was summoned by the FCI and asked to produce necessary documents along with next of kin certificate so as to process her claim for release of PF and gratuity. He submits that petitioner has applied for the next of kin certificate and the same will be submitted as soon as the petitioner receives the same from the concerned authority.

If that be so, it is established that there is no dispute as regards the claim of the petitioner to receive gratuity and PF. On the question of claim of the petitioner to receive pension, the aforesaid aspect of the matter, at the first instance, would require proper examination by the authorities. If the FCI authorities are of the view that the petitioner is not entitled to pension, the same has to be communicated to her in writing by furnishing proper reasons. It is only then that such decision would become justiciable in the Court of law. As such, without making any observation on the merit of the claim of the petitioner to receive family pension, this writ petition is hereby disposed of by providing that immediately on receipt of next of kin certificate, the petitioner would submit necessary documents along with a representation seeking payment of family pension before the authorities. Within 06 weeks from the date of receipt of such application, the authorities will release the PF and gratuity amount to the petitioner and also pass a speaking order dealing with her request of payment of family pension.

If the petitioner continues to remain aggrieved even thereafter, it will be open for her to approach this Court once again by filing a fresh writ petition.

With the above observation, this writ petition stands closed.

JUDGE

GS

Comparing Assistant