

GAHC010118532023



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

Case No. : WP(C)/3174/2023

RUSTANA BEGUM BARBHUIYA
D/O LATE SULEMAN ALI BARBHUIYA, VILL-TUFKHANA PART-I, P.O. AND
P.S.-ARUNACHAL, DIST-CACHAR, ASSAM, PIN-788003

VERSUS

THE UNION OF INDIA AND 4 ORS
REPRESENTED BY THE SECRETARY TO THE GOVT. OF INDIA,
DEPARTMENT OF EX-SERVICEMEN WELFARE, MINISTRY OF DEFENCE, 5-
A, SOUTH BLOCK, NEW DELHI-110001

2:PRINCIPAL CONTROLLER OF DEFENSE ACCOUNTS (CDA) PENSION
ALLAHABAD
SADAR BAZAR
PRAYAGRAJ
UTTAR PRADESH
PIN-211014

3:THE DIRECTOR
DIRECTORATE OF SAINIK WELFARE
ASSAM
HOUSE NO. 74
LACHIT NAGAR
GUWAHATI-07

4:ZILA SAINIK WELFARE OFFICER
CACHAR
PARK ROAD
SILCHAR
CACHAR ASSAM
PIN-788001

5:THE MANAGER
PANJAB NATIONAL BANK
AUNACHAL BRANCH
IFSC PUNB0074320
SILCHAR KALAIN ROAD
P.O.-ARUNACHAL
DIST- CACHAR
ASSAM
PIN-78802

Advocate for the Petitioner : MR. S B LASKAR

Advocate for the Respondent : DY.S.G.I.

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

Date : 19/12/2023

Heard Mr. S. B. Laskar, learned counsel for the petitioner. Also heard Mr. P. S. Lahkar, learned CGC.

2. This writ petition filed by the petitioner praying for grant of family pension benefits which accrued to her by virtue of her late father having retired from the services of the Indian Army.

3. The petitioner has two brothers and one sister as siblings. However, both the brothers and sisters are married. She is the only unmarried daughter of her deceased father, namely, Late Suleman Ali Barbhuiya.

4. Under the Rules governing the pension an unmarried daughter is entitled to the family pension payable on account of her late father. However, in spite of the relevant documents being furnished to the respondent authority, the family pension has not been processed and she has not received the family pension due to her.

5. The Court issued Notice on 05.06.2023 and the respondents were permitted to obtain instructions. Today when the matter is called up, Mr. P. S. Lahkar, learned CGC representing the respondents Indian Army has produced a copy of the communication dated 13th October, 2023, which is addressed to the petitioner. The copy of the communication is placed before this court and it is kept as a part of the case record. By the said communication, it is seen that the petitioner was informed that her name was recorded as Miss Rustana Begum and her date of birth was shown as 04 December 1985 in the service records of her late father. However, in the documents which were submitted by the petitioner including the Aadhar Card and the PAN card, her name is shown as Smt Rustana Begum Barbhuiya showing the date of birth as 04 December 1985. In view of the difference in the name, the department is unable to process the claim of family pension. And accordingly, she has been requested to make necessary changes in the civil documents as per the information available in the service records of her late father. Alternatively, certain documents mentioned in the said letter were also requested to be forwarded to the Army authorities.

6. Learned counsel for the petitioner on instructions submits that he has been informed by the petitioner that the matter is under process as per information received by the petitioner and whatever documents has been sought for by the army authorities have already been furnished by the petitioner. That apart, the further documents which may be sought for will also be furnished by the petitioner, within a short date.

7. In that view of the matter since the matter is already under process and the papers and documents sought for from the petitioner having been submitted before the authorities concerned, this Court is of the considered view that the writ petition can be disposed of with a direction to the Army Authorities to

expeditiously process the claim of family pension of the petitioner and release the same to the petitioner.

8. The petitioner in turn will submit the necessary documents as shown in the communication dated 13th October, 2023 (a copy of which is retained in the case record) as expeditiously as possible along with a certified copy of this order.

9. Upon receipt of these documents, the Army Authorities will thereafter process the family pension as claimed by the petitioner and release the same as expeditiously as possible within the outer limit of 120 days from the date of receipt of these documents requested for in the communication dated 13th October, 2023.

10. Writ petition accordingly stands disposed of.

JUDGE

Comparing Assistant