

GAHC010166562022



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

Case No. : WP(C)/5456/2022

NASIYATAN BIBI @ NASIA BEWA
W/O- LATE MAJAL HOQUE ,
P/R- VILLAGE GERAMARI PART-II, (BALAD MARA),
P.O- GERAMARI,
P.S- GAURIPUR,
DIST- DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM AND 2 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, IRRIGATION DEPARTMENT, DISPUR,
GUWAHATI-06

2:THE EXECUTIVE ENGINEER
DHUBRI DIVISION (IRRIGATION)
GAURIPUR

3:ACCOUNTANT GENERAL (A AND E)

ASSAM
MAIDAMGAON
BELTOLA
GUWAHATI-781029

Advocate for the Petitioner : MR H DAS

Advocate for the Respondent : SC, IRRIGATION

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

23.11.2023

Heard Mr. H. Das, learned counsel for the petitioner. Also heard Mr. N. Upadhyay, learned Standing Counsel, Irrigation Department for the respondent nos. 1 & 2 and Mr. R.K. Talukdar, learned Standing Counsel, Accountant General (A&E) for the respondent no.3.

By order dated 21.09.2023 the following directions were passed:

“.....

18. Mr. N Upadhyay, learned Standing counsel, Irrigation Department on instruction has submitted that the State Government in the Irrigation Department after approving the family pension proposal payable to the petitioner, namely, Nasiyatan Bibi, 2nd wife of said late Majal Hoque forwarded by the Executive Engineer, Dhubri Division (Irrigation), Gouripur, shall forward the same to the Office of the Principal Accountant General (A&E), Assam shortly.

19. While forwarding the family pension proposal payable to the petitioner, namely, Nasiyatan Bibi, 2nd wife of late Majal Hoque on the death of his first wife Fatema Bewa, the respondents in the Irrigation Department shall specify the date on which the petitioner submitted her application for family pension along with the Death Certificate of said Fatema Bewa, his 1st wife as indicated in the letter dated 05.12.2020 (Annexure-6 to this petition) of the Executive Engineer, Dhubri Division (Irrigation), Gouripur.

20. While finalizing the family pension proposal payable to the petitioner, the respondents in the Principal Accountant General (A&E), Assam shall consider to provide the said benefit of family pension to Nasiyatan Bibi, being 2nd wife of late Majal Hoque on the death of his first wife Fatema Bewa from the date of her application before the Executive Engineer, Dhubri Division (Irrigation), Gouripur as provided under Rule 205 of the said 1969 Rules.

21. List on 23.11.2023, enabling the respondents in the Irrigation Department as well as Accountant General (A&E), Assam to apprise the Court about the up-to-date status of payment of family pension to the petitioner.”

The matter was fixed today for apprising this Court about the up-to-date status of payment of the family pension of the petitioner.

Today when the matter is called up, learned Standing Counsel, Accountant General (A&E) has produced a communication dated 21.11.2023 issued to the Treasury Officer, Dhubri Treasury requesting the Treasury Officer to read the Date of Commencement of the family pension in respect of the petitioner from the date of application which is 05.12.2020 instead of 09.05.2013. The said communication was requested to be treated as a letter of authority.

In view of the communication dated 21.11.2023 placed before the Court and submissions made by the learned Standing Counsel for the respondents, this Court is of the opinion that the grievances of the petitioner have been redressed and therefore, no further cause survives to pursue the writ petition any further.

In terms of the above, the writ petition stands disposed of.

Interim order, if any, stands vacated.

JUDGE

Comparing Assistant