

GAHC010211922023



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

Case No. : WP(C)/5557/2023

SMTI MOON DEHINGIA
W/O LATE DILIP DEHINGIA, R/O KOTOHA BALIGAON, P.O.-KOTOHA, P.S.-
BARBARUAH, DIST-DIBRUGARH, ASSAM

VERSUS

THE STATE OF ASSAM AND 6 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY, EDUCATION
DEPARTMENT, GOVT. OF ASSAM, DISPUR, GUWAHATI-781006

2:THE ACCOUNTANT GENERAL (A AND E)
ASSAM
MAIDAMGAON
BELTOLA
GUWAHATI-781029

3:THE DIRECTOR OF ELEMENTARY EDUCATION
GOVT. OF ASSAM
KAHILIPARA
GUWAHATI-781019

4:THE INSPECTOR OF SCHOOLS
DIBRUGARH
DIST-DIBRUGARH
ASSAM
PIN-786001

5:THE DEPUTY INSPECTOR OF SCHOOLS
BARBARUAH CIRCLE-2
DIST-DIBRUGARH
ASSAM
PIN-786001

6:THE BLOCK ELEMENTARY EDUCATION OFFICER (BEEO)
BARBARUAH
DIBRUGARH
DIST-DIBRUGARH
ASSAM
PIN-786001

7:THE HEAD MASTER
KUTUHA BALIGAON L.P. SCHOOL
P.O.-BALIGAON
DIST-DIBRUGARH
PIN-78600

Advocate for the Petitioner : MR D K DAS

Advocate for the Respondent : SC, ELEM. EDU

BEFORE
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK
ORDER

22-09-2023

Heard Mr. D.K. Das, learned counsel for the petitioner and Mr. N. J. Khataniar, learned Standing counsel, Department of School (Elementary) Education, Assam for the respondent Nos. 1 & 3 to 6. Also heard Ms. P. Swargiary, learned counsel appearing on behalf of Mr.S.K.Medhi, learned Standing counsel, Accountant General (A&E), Assam for the respondent No. 2.

2. The husband of the petitioner, namely, Dilip Dehingia, an Assistant Teacher of Kotoha Baligaon Lower Primary School under Barbarua Education Block of Dibrugarh District, died-in-harness on 04.10.2022 leaving behind his widow, i.e., the petitioner and their three daughters including one minor daughter.

3. It is stated by the petitioner that at the time of death of her husband, Dilip Dehingia, he was 55 (fifty five) years old and had 5 (five) years of service in his career.

4. It is also stated by the petitioner that though she filed a representation on 28.10.2022 before the Block Elementary Education Officer, Barbarua Block, Dibrugarh for the benefit of the

compassionate family pension on the death of her husband, but the said authority has not considered the same till date.

5. Being aggrieved, the petitioner has preferred this writ petition.

6. The State Government in the Finance (Establishment-A) Department vide Notification No. FEG. 28/2017/26 dated 14.09.2017 brought into force the Scheme for Compassionate Family Pension in lieu of Compassionate Appointment w.e.f. 01.04.2017 with regard to the Government employee who dies-in-harness.

7. In the said Compassionate Family Pension Scheme, the State Government in the Finance (Establishment-A) Department laid down certain criteria towards the entitlement of the benefit of such pension.

8. The petitioner has annexed to this petition the copy of the Death Certificate of her husband issued by the Registrar, Birth and Death, Barbaruah Primary Health Centre on 13.10.2022; copy of the Next of Kin Certificate of her husband reflecting the names of the petitioner and their three daughters issued by the office of the Deputy Commissioner, Dibrugarh on 10.01.2023 as well as the copy of the Certificate of Gaoburha issued by the Government Lat Village Headman, Gandhi Nagar Gaon Panchayat, Ward No. 2 on 15.03.2021 in which the petitioner is presently residing with her three daughters.

9. After hearing the learned counsels for the parties and considering the entire aspect of the matter, this writ petition is disposed of at the motion stage itself directing the petitioner to submit a detailed representation on or before 06.10.2023 before the Deputy Inspector of Schools, District-Dibrugarh along with all the relevant documents including the self attested copies of the Death Certificate, the Next of Kin Certificate of the husband of the petitioner, Dilip Dehingia, who died-in-harness on 04.10.2022 obtaining necessary acknowledgment from the said authority in that regard.

10. Thereafter, the Deputy Inspector of Schools, District-Dibrugarh shall duly process the same obtaining the necessary report from the Block Elementary Education Officer, Barbaruah Education Block, District-Dibrugarh regarding the service of the late husband of the petitioner, Dilip Dehingia, an Assistant Teacher of Kotoha Baligaon L.P. School under Barbarua Education Block of Dibrugarh District and after getting the said detail report, the said authority shall submit the same before the Director of Elementary Education, Assam on or before 30.11.2023, who in turn shall process the same with due approval of the State Government in the Department of School Education and the Finance Department

of the State.

11. If the petitioner is found to be entitled for such Compassionate Family Pension on the death of her husband, then the entire process of the payment of such family pension to the petitioner shall be completed by the respondent authorities in the Department of School Education including the Director of Elementary Education, Assam; the Deputy Inspector of Schools, Dibrugarh; the Block Elementary Education Officer, Barbaruah Education Block, District-Dibrugarh and the Finance Department of the State on or before 31.12.2023.

12. With the above observation and direction, this writ petition stands disposed of.

JUDGE

Comparing Assistant