

GAHC010236652022



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

Case No. : WP(C)/7627/2022

NURUL NAHAR BEGUM
W/O- LT. KABIR AHMED MAZUMDER, VILL- LALANG PART-I, P.O.
PAILAPOOL, P.S. LAKHIPUR, DIST.- CACHAR, ASSAM

VERSUS

THE ASSAM GRAMIN VIKASH BANK AND 4 ORS
REP. BY ITS CHAIRMAN (A JOINT UNDERTAKING OF THE GOVT. OF INDIA,
GOVT. OF ASSAM AND PUNJAB NATIONAL BANK) H.O., GS ROAD,
BHANGAGARH, GHY, PIN- 781005

2:THE GENERAL MANAGER
(ADMINISTRATION)
ASSAM GRAMIN VIKASH BANK
H.O.
GS ROAD
BHANGAGARH
GHY
PIN- 781005

3:THE CHIEF MANAGER
(PERSONNEL)
ASSAM GRAMIN VIKASH BANK
H.O.
GS ROAD
BHANGAGARH
GHY
PIN- 781005

4:THE REGIONAL MANAGER
SILCHAR REGION
ASSAM GRAMIN VIKASH BANK

REGIONAL OFFICE SILCHAR
AMBICAPATTY
P.O. SILCHAR
DIST.- CACHAR
PIN- 788004

5:THE BRANCH MANAGER
PAILAPOOL BRANCH OF ASSAM GRAMIN VIKASH BANK
RAJABAZAR-HARINAGAR-KUMACHARA ROAD
PAILAPOOL
DIST.- CACHAR
ASSAM
PIN- 788098

6:LAYLUN NEHAR BARBHUIYA
W/O LATE KABIR AHMED MAZUMDER
VILLAGE UJANGRAM
PO BARJATRAPUR
DISTRICT CACGAR
ASSAM PIN-78811

Advocate for the Petitioner : MR. A M S MAZUMDER

Advocate for the Respondent : SC, A G V B

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

11.12.2023

Heard Mr. A.M.S. Mazumder, learned counsel for the petitioner. Also heard Ms. Mochahari, learned Standing Counsel, AGVB and Mr. A.K. Azad, learned counsel for the respondent no.6.

This writ petition is filed by the petitioner claiming to be the wife of late Kabir Ahmed Muzumder who was working as a Branch Manager in the Assam

Gramin Vikash Bank.

The petitioner's husband superannuated on 31.12.2019 and after his retirement he received his pension and other pensionary benefits. The petitioner's husband expired on 26.03.2021. The petitioner claims to be the surviving widow of late Kabir Ahmed Muzumder and had approached the authorities for release of family pension. However, her prayers have not been attended to by the Bank authorities. Meanwhile, the respondent no.6, namely, Laylun Nehar Barbuiya, who is impleaded in the writ petition as the respondent no.6 by virtue of the order passed by this court on 12.06.2023 in IA (C) No.1392/2023, also claims to be the widow of late Kabir Ahmed Muzumder.

Although this Court had granted opportunities earlier, the learned counsel for the respondents/Bank prays for further time for completing her instructions and filing necessary affidavit.

Having heard and counsel for the parties and upon perusal of the pleadings on record, this Court finds that the only issue in the present writ petition is that the claims of the petitioner vis a vis the private respondent no.6 for the family pension, as both of them claim to be widows of late Kabir Ahmed Muzumder.

Learned counsel for the petitioner has referred to the Assam Gramin

Vikash Bank (Employees) Pension Regulations, 2018, more particularly, Regulation no.38 (6) (d) (i). As per Regulation no.38 (6) (d)(i) – “where family pension is payable to more widows than one, the family pension shall be paid to widows in equal shares.”

It is submitted by the learned counsel for the petitioner that the authorities are required to make a decision in terms of the Regulation and pass appropriate orders entertaining the claims of the petitioner vis a vis the claim of the private respondent no.6.

Such submissions made are not disputed by the learned counsel appearing for the private respondent no.6.

Under such circumstances, this Court is of the view that since the prayer in the writ petition is restricted only to the share of family pension payable to the petitioner vis a vis the claims of private respondent no.6, as both of them claim to be widows of late Kabir Ahmed Muzumder, this Court is of the considered view that the matter can be disposed of at this stage with the direction to the respondent Bank, namely, the respondents no.1, 2 & 3, who will look into the grievances raised by the petitioner as well as the respondent no.6, and thereafter pass appropriate orders in terms of Regulation as per the provisions of the Assam Gramin Vikash Bank (Employees) Pension Regulations,

2018. The authorities while deciding the *inter se* claims will take into account the provisions of Regulation 38 of the Regulations and pass appropriate orders. While deciding the matter, the Bank authorities will permit sufficient opportunities to both the petitioner and the respondent no.6 to agitate their *inter se* claims. Any such speaking order that is passed by the respondent authorities, copies thereof shall be served on the petitioner and the respondent no.6.

The respondent no.6 are permitted to approach the respondent authorities, namely, the respondents no., 1, 2 & 3 to decide the matter in terms of the directions passed by this Court within a period of 1 (one) week from the date of receipt of a certified copy of this order. And thereafter, the authorities will decide the matter in terms of the directions issued within a further period of 30 (thirty) days from the date of receipt of a certified copy of this order along with any representation or application as filed by the petitioner and/or the respondent no.6.

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

JUDGE

Comparing Assistant