

GAHC010238932023



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

Case No. : WP(C)/6718/2023

SHABANA ISHRAT KARIM
D/O LATE ABDUL KARIM, VILL-WARD NO. 21, BIDYA NAGAR, DHING
ROAD, P.S.-NAGAON, DIST-NAGAON, ASSAM

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, EDUCATION DEPARTMENT (HIGHER), DISPUR, GUWAHATI-6

2:THE DIRECTOR OF HIGHER EDUCATION
ASSAM
KAHILIPARA
GUWAHATI-781019

3:THE UNIVERSITY GRANTS COMMISSION
GUWAHATI-06

4:THE ACCOUNTANT GENERAL (A AND E)
ASSAM
MAIDAMGAON
BELTOLA
GUWAHATI-29

5:THE TREASURY OFFICER
NAGAON
DIST-NAGAON
PIN-78200

Advocate for the Petitioner : MR. R A CHOUDHURY

Advocate for the Respondent : SC, HIGHER EDU

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA
ORDER

15.12.2023

Heard Ms. S.S. Zia, learned counsel for the petitioner. Also heard Mr. D. Upamanyu, learned Standing Counsel, Education Department (Higher) for the respondent nos. 1 & 2, Mr. B. Gogoi, learned Standing Counsel, Finance Department for the respondent no.5, Ms. J. Das, learned counsel for the respondent no.4 and Ms. K. Borpujari, learned counsel for the respondent no.3.

This writ petition is filed by the petitioner being aggrieved that the arrear family pension from the date of retirement of the petitioner's father till the month of January, 2022 and arrear salary from the date of death of the petitioner's father till the date of his retirement have not been granted. The petitioner's father was working as an Associate Professor and HOD in the ADP College, Nagaon. The petitioner's father unfortunately expired on 14.07.2019 while in service leaving behind the petitioner who was pursuing her studies at the relevant point in time and despite repeated requests were made, the concerned Department did not release the arrear family pension and arrear salary to the petitioner because of which the petitioner and her family members suffered great financial difficulties.

The learned counsel for the petitioner submits that in spite of the several requests made to the authorities concerned, the arrear family pension and arrear salary has not been released.

This Court by earlier order dated 22.11.2023 permitted the learned Standing Counsel, Education Department (Higher) to obtain required instructions in the matter. However, today when the matter was called up, Mr. D. Upamanyu, learned Standing Counsel, Education Department (Higher) prays for further time to obtain instructions.

Considering the pleadings on record, *prima facie*, it appears that the claim of the petitioner has not been redressed by the respondent authorities as regard to the claims of arrear salary and arrear family pension are concerned. However, these being the limited prayer, this Court does not consider it necessary to keep this matter pending for want of instructions.

Accordingly, this writ petition stands disposed of with a direction to the Commissioner and Secretary to the Govt. of Assam, Education Department (Higher) to look into the grievances of the petitioner and pass appropriate orders after examining the claims raised by the petitioner. The respondent no.1 will look into the grievance and pass a speaking order within a period of 60 (sixty) days from the date of receipt of a certified copy of this order along with a representation to be furnished by the writ petitioner.

With the above observation, the writ petition stands dispose of.

JUDGE

Comparing Assistant