

GAHC010285262023



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

**Case No. : WP(C)/7425/2023**

NAJIMA BEGUM @ NAZIA BEGUM  
W/O- LATE RANA ALI VILL- BHATIPARA, WARD NO.10, P.O. AND P.S.  
GOALPARA, DIST.- GOALPARA, ASSAM, PIN- 783101

VERSUS

THE STATE OF ASSAM AND 4 ORS  
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.  
OF ASSAM, PENSION AND PUBLIC GRIEVANCES DEPARTMENT, DISPUR,  
GUWAHATI-06

2:ACCOUNTANT GENERAL  
ASSAM  
BELTOLA  
GUWAHATI-06

3:THE CHIEF ENGINEER  
PWD (RURAL ROAD DIVISION)  
ASSAM  
CHANDMARI  
GUWAHATI-03

4:THE EXECUTIVE ENGINEER  
PWD (RURAL ROAD) DIVISION  
GOALPARA

5:HALIMA BEGUM  
W/O- LATE RANA ALI  
VILL- LALMATI  
ABHAYAPURI  
P.O. AND P.S. ABHAYAPURI  
DIST.- BONGAIGAON

ASSA

**Advocate for the Petitioner** : MR M RANA

**Advocate for the Respondent** : SC, AG

**BEFORE  
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA  
ORDER**

**21.12.2023**

Heard Mr. M. Rana, learned counsel for the petitioner. Also heard Mr. R. Dhar, learned Standing Counsel, PWD; Mr. A. Chakrabarty, learned Government Advocate for the respondent No. 1 and Mr. B Chakravarty, learned Standing Counsel, Accountant General for the respondent No. 2.

This writ petition has been filed by the petitioner who claims to be the first wife of one Rana Ali who was working as a Driver in the Office of the Executive Engineer, PWD (Rural Road) Division, Goalpara. The petitioner's husband married for a second time and the second wife is Halima Begum who is arrayed as respondent No. 5 in the writ petition. The petitioner's husband expired on 12.04.2023 leaving behind the petitioner, his second wife as legal heirs. After the death of her husband, petitioner approached the authority to disburse her share of family pension but the response of the authority was not forthcoming. Therefore, the present writ petition has been filed.

It is submitted by the learned counsel for the petitioner that although the petitioner is the first wife she however was not staying together with the petitioner's late husband under orders of competent Court monthly maintenance was being paid to the petitioner. Since the death of the petitioner's husband, she has not got any maintenance or support and therefore, petitioner has approached this Court for a direction to the respondents to disburse the

petitioner's share of family pension.

Mr. R. Dhar, learned Standing Counsel, PWD submits that Notice at this stage be issued for obtaining instructions.

Having heard the learned counsels for the parties and upon perusal of the writ petition, it is seen that the issue involves verification of factual details in respect of the petitioner as well as the second wife namely respondent No. 5, this Court is of the view that since there are factual material which will have to be verified by the competent authority, the matter should be relegated to the Department to cause proper enquiry into the claims made by the petitioner vis-à-vis the claims of the private respondent No. 5 and thereupon pass necessary orders in terms of the provisions of Rule 143 (as amended upto date) of the Assam Pension Service Rules, 1969. If the claims of the petitioner are found to be genuine and if she found to be entitled to the share of the pension then the authorities will process and pass appropriate orders where necessary for release of her share of pension.

The petitioner will submit a certified copy of this order along with the copy of the writ petition before the Executive Engineer, PWD (Rural Road) Division, Goalpara. The Executive Engineer thereafter will examine the matter in detail and pass necessary orders.

This order directed to be passed by the respondent authority will be passed within a period of sixty days from the date of receipt of certified copy of this order.

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

**JUDGE**

**Comparing Assistant**