

GAHC030004732022



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

Case No. : WP(C)/116/2022

Lalnunmawii
W/o Thanchhunga(L)
R/o Khatla East,
Aizawl, Mizoram.

VERSUS

The Chief General Manager, SBI, N.E. Circle and 5 Ors.
Centralised Pension Processing Centre,
3rd Floor, Subham Greens, Sangjukta Square,
Lokhra Charhali, Guwahati, Assam. 2:The Asst. General Manager
SBI
N.E. Circle

3:The Asst. General Manager
SBI
Aizawl Main Branch

4:The Branch Manager
SBI
Aizawl Main Branch

Advocate for the Petitioner : Ricky Gurung

Advocate for the Respondent : Ms Zairemsangpuui, CGC for R5 & R6

BEFORE
HON'BLE MR. JUSTICE MICHAEL ZOTHANKHUMA
ORDER

07.09.2023

Heard Mr. Ricky Gurung, learned counsel for the petitioner. Also heard Mr. Zodinpuia Hnamte, learned counsel for the respondent Nos. 1 to 3 and Ms. Zairemsangpuii, learned CGC for respondent Nos. 5 & 6.

2. The grievance of the petitioner, who is 84 years of age, is that she has not been issued a duplicate Pension Payment Order (PPO) by the State Bank of India, Main Branch, Aizawl to enable her to get family pension.

3. Brief facts of the case is that her husband enrolled himself as a Sepoy in the Assam Rifles on 10.03.1951 and retired in the rank of Naik on 01.06.1975. After his retirement, he was receiving his pension until his death on 19.02.2016. On his death, the petitioner, as wife of the deceased sepoy, requested the Branch Manager, SBI, Main Branch, Aizawl to take necessary steps for payment of family pension to her, by submitting an application on 01.03.2016. However, the petitioner was informed to submit PPO to the Bank. According to the petitioner, her late husband had already submitted the PPO to the Bank at an earlier point of time. Since no further steps was taken for granting her family pension, the petitioner approached the Record Officer, SO-I (Pen/NE), in the Directorate General of Assam Rifle, Shillong, by submitting an application on 12.03.2019 for issuance of duplicate PPO. The PPO Page No.3/3 number being 23498702857. The said establishment, thereafter, by writing to the Branch Manager, SBI, Main Branch, Aizawl on 10.04.2021 informed the Bank to process the petitioner's case for issuance of duplicate PPO as per the procedure, while enclosing a copy of the rules concerned on the subject. However, despite the said communication,

the SBI, Main Branch, Aizawl failed to take any steps for issuance of a duplicate PPO to the petitioner, for availing family pension.

4. The petitioner's counsel submits that the affidavits of the respondents clearly shows that the petitioner is the wife of the deceased No. 170869 Ex Naik (OWL-1) (Late) Thanchhunga Lushai and as such, she is entitled to get family pension.

5. Mr. Zodinpuia Hnamte, learned counsel for the respondent Nos. 1 to 4 and Ms. Zairemsangpuui, learned CGC for respondent Nos. 5 & 6 fairly submit that the petitioner is entitled to be given family pension, as reflected in the affidavits of the respondents.

6. I have heard the learned counsels for the parties and perused the affidavits of the parties.

7. The affidavit of the respondent Nos. 1 to 4 is to the effect that family pension could not be disbursed to the petitioner as her name was not available in the e-PPO. As such, in the absence of her name being mentioned in the PPO and without proper mandate being given by the pension sanctioning authority, the respondent Bank could not disburse family pension to the petitioner.

8. Para 4 (vii), (viii) and para 7 of the affidavit-in-opposition filed by the respondent Nos. 5 and 6 states as follows:-

“4(vii) As the family pension case of the petitioner remained unsettled since February 2016 due to non-availability of Disburser's Portion of PPO and Pensioner's Portion of PPO of Ex Naik (OWL-I) (Late) Thanchhunga Lushai (died on 19.02.2016) and also due to non-availability of her pension details. Hence, her case was examined in detail by the Department. On scrutiny of Pension Revision Authority of petitioner's husband issued vide Pay & Accounts Office (Assam Rifles) letter No. 234987502857A2 dated 02.01.2018 and Revision Authority issued vide Central Pension Accounting Office,

New Delhi letter No.2349875028/57/3099945/A2 dated 01.03.2018, it was observed that her name was not endorsed therein. As the pension case of Ex Naik (OWL-I) (Late) Thanchhunga Lushai was an old case (of the year 1975) and there was a possibility that Family Pension in favour of Smt Lainunmawii was not endorsed in PPO No. CAR/1217 at the time of his retirement. After due deliberations, it was decided by the Department to process her case afresh for endorsement in the PPO of her deceased husband. Hence, a letter was issued to the petitioner vide Directorate General Assam Rifles letter No.FP/170869/17 AR/2022/Pen/NE, Rec)/11 dated 19.11.2022 to forward her application along with requisite documents duly stating her problem and in response to the above letter, an e-mail along with some documents were received from the petitioner on 30.11.2022. On scrutiny of the documents received from her through email, it was revealed that her name given in the Aadhaar Card and PAN Card was not tallying with the name endorsed in Brief Sheet of her husband. In Aadhaar Card and PAN Card her name has been endorsed as "Lalnunmawii"(LALNUNMAWII), whereas, in Brief Sheet of her husband, her name has been endorsed as "Lainunmawii"(LAINUNMAWII). In order to process her case for Family Pension, her name is required to be amended/corrected as per her actual name. Therefore, she was advised to send documents for amendment of her name as per the Brief Sheet or to forward an application for correction of her name in the Brief Sheet vide Directorate General Assam Rifles letter No. 170869/17 AR/FP/2022/1183 dated 30.11.2022. A reminder was also issued to her vide Directorate General Assam Rifles letter No.170869/17AR/FP/2023/1300 dated 11.01.2023. Requisite documents along with Application dated 16.01.2023 for correction of her name in the Brief Sheet of her husband have been received on 30.01.2023 and her name has been amended as "**Lalnunmawii**"(**LALNUNMAWII**) in the Brief Sheet of her deceased husband.

After publication of necessary casualty with regard to amendment of her name, the case will be processed with Pay and Accounts Office (Assam Rifles) for endorsement of her name and Family Pension details in the ePPO

and Pension Revision Authority and she will be granted Family Pension in due course.Annexed photocopies of Directorate General Assam Rifles letter No. FP/170869/17 AR/2022/Pen/NE, Rec)/11 dated 19.11.2022, e-mail alongwith some documents were received from the petitioner on 30.11.2022, Directorate General Assam Rifles letter No.170869/17AR/FP/2022/1183 dated 30.11.2022,Directorate GeneralAssam Rifles letter No. 170869/17 AR/FP/2023/1300 dated11.01.2023 and Application dated 16.01.2023 are marked asAnnexure -VI, VII, VIII, IX &X respectively.”

“4(viii) Department has not denied Family Pension to the petitioner.Family Pension could not be granted in her favour due to nonreceipt of original Disburser's Portion of PPO from the PensionDisbursing Authority and original Pensioner's Portion of PPO fromthe petitioner. Due to absence of original PPOs as at both end,thePension Disbursing Authority was unable to find out the correctdetails of her Family Pension.Also, as her name has not been found endorsed in the Pension Revision Authority issued by Pay andAccount's Office (Assam Rifles), hence, her name has been amended correctly by the Department in the Brief Sheet and a case forendorsement of her name and her pension details in the Pension Revision Authority has been taken up with Pay and Accounts Office(Assam Rifles). **She will be granted Family Pension as entitled indue course on completion of all documentation process.**”

7. That in reply to Para No. 5 of Writ Petition, the answering respondents humbly submit that **the petitioner is entitled to get Family Pension from the day following the death of herhusband being a legally wedded wife.**However, she is not entitled to get gratuity as the same is paid to the pensioner at the time of his retirement. A pensioner does not leave behind any gratuity amount. Service gratuity amounting to Rs. 3,192/- was already paid to her husbandat the time of his retirement from service.”

9. As can be seen from the extracts of the affidavit filed by the respondent Nos. 5 and 6, the discrepancy in the name of the petitioner has been corrected in the records and her name has now been corrected to Lalnunmawii from Lainunmawii. The affidavit also states that the case of the petitioner would be processed for payment of family pension, on completion of all documentation process, as she is entitled to get family pension from the date of death of her husband.

10. As the pension sanctioning authority has categorically held that the petitioner is entitled to get family pension from the date of death of her husband and that the same would be granted as soon as documentation process is completed, there is nothing to adjudicate in this case. However, as petitioner is now 84 years of age, the respondent Nos. 5 and 6 are directed to complete the documentation process for sanctioning family pension and issuing PPO to the petitioner within a period of one month, from the date of receipt of a copy of this order.

11. The respondent Nos. 1 to 4 shall on receipt of the required documents from the respondent Nos. 5 and 6 issue family pension to the petitioner immediately, to be calculated from the date of death of her husband.

12. The writ petition is accordingly allowed.

JUDGE

Comparing Assistant