

GAHC010015632024



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

Case No. : WP(C)/457/2024

REJINA BEGUM BARBHUIYA
W/O BADRUL ISLAM BARBHUIYA, VILL- NAIRGRAM PART-II, P.O.-
NAIRGRAM, P.S.-SILCHAR (SADAR), CACHAR, ASSAM, PIN-

VERSUS

THE STATE OF ASSAM AND 2 ORS
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF ASSAM,
DEPARTMENT OF P.H.E, DISPUR, GUWAHATI-06

2:THE CHIEF ENGINEER
PHE ASSAM
HENGRABARI
GUWAHATI-781036

3:THE EXECUTIVE ENGINEER (PHE)
SILCHAR DIVISION NO. II
SILCHAR
DIST-CACHAR
ASSA

Advocate for the Petitioner : MR. A Y CHOUDHURY

Advocate for the Respondent : SC, P H E

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

09.02.2024

Heard Mr. A.Y. Choudhury, learned counsel for the petitioner. Also heard Mr. I. Borthakur, learned Standing Counsel, PHE Department.

2. This writ petition is preferred by the petitioner who claims to be the legally married wife of Badrul Islam Barbhuiya, who was serving as Grade-IV employee under the PHE Department in the Office of Executive Engineer, Silchar Division.

3. The information was sought for from the Department by the petitioner in respect of the nominee of the Government Servant namely Shri Badrul Islam Barbhuiya who is stated to be the husband of the petitioner in his pension papers. Because of matrimonial disputes, the petitioner and her husband are living separately and maintenance is being paid by her husband towards her and their child's maintenance. A representation is stated to have been preferred by the petitioner seeking information regarding the particulars of the nominee in the pension papers of Sri. Badrul Islam Barbhuiya was filed 12.10.2023 before the authorities. In a additional affidavit filed by the petitioner, copy of the Kabin Nama of the marriage issued by the competent authority has been relied upon to support her contention that she is a legally married wife of Badrul Islam Barbhuiya. The limited prayer of the petitioner is that no information is forthcoming from the department inspite of request being made.

4. The learned Standing Counsel, PHE does not have any instructions and as such, he has prayed for time. However, considering the limited prayer made before this Court, this Court is of the considered view that the matter at this stage can be closed without expressing anything on merits with a direction to

the Executive Engineer, PHE, Silchar Division to dispose of the representation stated to have been filed on 12.10.2023.

5. Since no decision on merit has been expressed by this Court at this stage, liberty is granted to the department to pass appropriate orders on the representation stated to be filed before the Department by the representation dated 12.10.2023. The representation if filed before the department, as stated, should be disposed of within a period of 30 (thirty) days from the date of certified copy of this order.

6. The writ petition is accordingly disposed of in terms of the above. No order as to cost.

JUDGE

Comparing Assistant