

GAHC010023392023



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

Case No. : WP(C)/655/2023

SMTI SARMILA SAHANI
W/O LATE CHANDRIKA SAHANI, R/O PHE COLONY, MAIBONG, DIMA
HASAO DISTRICT, ASSAM, PIN-788831

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, EXCISE DEPARTMENT, DISPUR, GUWAHATI-06

2:THE COMMISSIONER OF EXCISE
ASSAM
HOUSEFED COMPLEX
DISPUR
GUWAHATI-06

3:THE SUPERINTENDENT OF EXCISE
DIMA HASAO DISTRICT
HAFLONG

4:THE PRINCIPAL SECRETARY
DIMA HASAO DISTRICT
HAFLONG

5:THE DEPUTY COMMISSIONER
DIMA HASAO DISTRICT
HAFLONG

6:THE ACCOUNTANT GENERAL (A AND E)
ASSAM
MAIDAMGAON
BELTOLA

GUWAHATI-2

Advocate for the Petitioner : MR. R DE, MS. D PATHAK

Advocate for the Respondent : SC, EXCISE DEPTT., MR. S K MEDHI (R-6), SC, AG, SC, DIMA HASAO

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

Date : 03-10-2024

Heard Mr. R. Dey, learned Counsel for the petitioner. Also heard Mr. R.R.Gogoi, learned Counsel for respondent no. 1 and 2, Ms. J. Gogoi for respondent no. 3 and 4, Ms. M. Bhattacharjee, learned Additional Senior Government Advocate for respondent no. 5, and R.R. Saikia, learned Counsel appearing on behalf of S.K. Medhi, learned Counsel for respondent no.6.

2. By way of this petition under Article 226 of the Constitution of India, the petitioner is seeking finalization of the family pension papers and releasing the same to the petitioner.
3. The facts of the case is that the husband of the petitioner who was serving as Lower Division Assistant in the Establishment of the Superintendent of Excise, Dima Hasao, Haflong died on 06/08/2021 while in service and although the pension papers were forwarded to the Accountant General (A&E), Assam, by the Superintendent of Excise, Dima Hasao by letter dated 25/11/2021, the family pension and other pensionary benefits i.e. Gratuity, Group Insurance Scheme, Leave Encashment, General Provident Fund etc. have not been released to the

petitioner.

4. Heard the learned Counsels for the parties and perused the material available on record.
5. It appears that on 22/02/2023, Mr. S.K. Medhi, learned Standing Counsel appearing on behalf of the Accountant General (A&E), Assam, submitted that as per the instruction received from the Senior Accounts Officer of the Office of the Principal Accountant General, (A&E) Assam, no family pension application as mentioned in Annexure-D to the Writ Petition have been received in that office. He further submitted that in pursuant to the orders being passed by this Court the Senior Accounts Officer had also written to the Secretary to the Government of Assam Excise Department, the Commissioner of Excise, as well as, the Superintendent of Excise, Dima Hasaoto furnish the pension application along with the original Service Book of Late Chandrika Sahini in complete to enable the office to take necessary action. It further appears that the said office communication furnished to this Court by Mr. S.K. Medhi has been kept on record and marked with the letter 'X'.
6. In view of the aforesaid submission made by Mr. S.K. Medhi, this Court by order dated 22/02/2023 directed the Standing Counsel appearing on behalf of the Commissioner of Excise as well as respondent no. 3 and 4 to obtain instructions as to when the Annexure-D to the Writ Petition was sent and whether the Office of the Accountant General have duly received the same.
7. Today when the matter is called Mr. R.R. Gogoi, learned Standing Counsel appearing on behalf of the Commissioner of Excise, submits that

a letter dated 28/10/2022 issued by the Additional Commissioner of Excise, Assam, to Additional Commissioner of Excise, Assam has been furnished to him by the Office wherein it is informed that the appointing authority will process the pension and gratuity proposal in respect of Late Chandrika Sahani Ex LDA (petitioner's husband), who was posted in the Office of the Superintendent of Excise, Dima Hasao.

8. Perusing the aforesaid instruction including the earlier instruction dated 27/02/2023, this Court is of the considered view that this Writ Petition, in the interest of justice, can be disposed of with a direction to the respondents to process the pension and gratuity proposal in respect of the petitioner's husband i.e., Late Chandrika Sahani, Ex LDA in accordance with law.

9. Ordered accordingly.

10. It is needless to be clarified that the respondents particularly Superintendent of Excise, Dima Hasao, shall furnish the pension application along with the original Service Book of the petitioner's husband in complete to the Office of the Deputy Commissioner, Dima Hasao, whereafter, the Deputy Commissioner, Dima Hasao, shall forward the same to the Office of the Principal Accountant General (A&E), Assam, for doing the needful.

11. It is needless to be further clarified that the entire requisite exercise shall be carried out within a period of 3 months from the date of receipt of the certified copy of this Court's order.

12. With the aforesaid observation and direction, this Writ Petition stands disposed of.

13. A copy of letter dated 28/10/2022 is kept on record and marked as "Y".

JUDGE

Comparing Assistant