

GAHC010024282024



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

Case No. : WP(C)/891/2024

SHORBHANU NESSA
WIFE OF LATE GIASUDDIN SK, RESIDENT OF VILLAGE- SALMARA PT.-III,
P.O. BONDIHANA, P.S. FAKIRGANJ, DIST.- DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM AND 6 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, PENSION AND PUBLIC GRIEVANCES DEPARTMENT, DISPUR,
GUWAHATI-06

2:THE DIRECTOR OF PENSION
ASSAM
HOUSEFED COMPLEX
LAST GATE
DISPUR, GUWAHATI-06

3:THE TREASURY OFFICER
BILASIPARA
DISTRICT- DHUBRI
ASSAM

4:THE DISTRICT ELEMENTARY EDUCATION OFFICER
DHUBRI, ASSAM

5:THE BLOCK ELEMENTARY EDUCATION OFFICER
BILASIPARA
DIST.- DHUBRI ASSAM

6:THE BRANCH MANAGER
STATE BANK OF INDIA
BAGRIBARI BRANCH
P.O. AND P.S. BAGRIBARI
DIST.- DHUBRI

ASSAM

7:THE HEAD MASTER
BONDIHANA M.V SCHOOL
PO- BONDIHANA
P.S. FAKIRGANJ
DIST- DHUBRI
ASSAM

Advocate for the Petitioner : MR. M ALI

Advocate for the Respondent : GA, ASSAM

BEFORE
HON'BLE MR. JUSTICE SOUMITRA SAIKIA
ORDER

21.02.2024

Heard Mr M Ali, learned counsel for the petitioner, Mr P Saikia, learned Government Advocate, for the Pension Department and Mr N J Khataniar, learned Standing Counsel, for the Elementary Education Department

2. This writ petition is filed by the petitioner, who claims to be the widow of one Giasuddin Sk. Late Giasuddin Sk had served as a Grade-IV employee at Bondihana MV School, P.O.-Bondihana, P.S.-Fakirganj, in the district of Dhubri.

3. The petitioner was the second wife of Late Giasuddin Sk. The marriage was solemnized on 18.07.1999. The husband of the petitioner expired on 10.08.2011, leaving behind besides the petitioner, the first wife and three sons and one daughter. In the nomination papers filed before the competent authority, the then first wife and the petitioner, were both nominated. Accordingly, the petitioner and the first wife had received the family pension equally @ 50%. It is submitted by the learned counsel for the petitioner that the first wife expired on 10.01.2022.

4. It is the submission of the learned counsel for the petitioner that pursuant to the expiry of the first wife, namely, Moriam Begum, the petitioner is the only surviving

widow of Late Giasuddin Sk and, therefore, she is entitled to full family pension payable to her. Ventilating her grievances, she had filed a representation dated 09.10.2023 before the DEEO, Dhubri, claiming for the entire family pension payable to her. However, the said representation remained pending and no orders have been passed.

5. The limited prayer of the learned counsel for the petitioner is for a direction to the DEEO, to verify the claims of the petitioner and pass appropriate order by passing a speaking order.

6. Such submissions are not objected to by the learned Standing Counsel, appearing for the Elementary Education Department, as well as the Pension Department.

7. Considering the submissions of the learned counsel for the parties and upon careful perusal of the writ petition, this court is of the view that since the representation is stated to be pending before the DEEO, Dhubri, dated 09.10.2023 and the said representation has not been disposed of, this writ petition is closed at this stage without issuance of notice, directing the DEEO, Dhubri, to expeditiously verify into the claims of the writ petitioner and dispose of the representation by passing a speaking order. If the claims made by the writ petitioner are found to be correct, then all necessary steps are to be taken by the DEEO, Dhubri by forwarding the necessary proposal for release of full pension to the petitioner. If such proposal is required to be forwarded by the DEEO, Dhubri, then the same shall be expeditiously acted upon by all the other concerned respondents, namely, the Director of Elementary Education as well as the Director of Pension. The DEEO, Dhubri shall dispose of the representation, within a period of 30 days from the date of receipt of a certified copy of this order, by passing a speaking order. Any such order that is passed by the DEEO, Dhubri, a copy thereof will be served on the writ petitioner.

8. Writ petition is accordingly, disposed of in terms of the above.

JUDGE

Comparing Assistant