

GAHC010031192024



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

Case No. : WP(C)/913/2024

RINA BORAH

D/O- LATE SURENDRA NATH BORAH, R/O- VILL- JAMUWANE, P.O. JANATA
(BEDETI), P.S. BIHALI, DIST.- BISWANATH, ASSAM, PIN- 784176

VERSUS

THE STATE OF ASSAM AND 6 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, DEPARTMENT OF LAND REVENUE, DISPUR, GUWAHATI-
781006

2:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
PENSION AND PUBLIC GRIEVANCES DEPARTMENT
GUWAHATI- 06
DISPUR
ASSAM

3:THE DIRECTOR OF PENSION
ASSAM
HOUSEFED GUWAHATI-06
DISPUR
ASSAM

4:THE OFFICE OF THE ACCOUNTANT GENERAL (A AND E)
BHANGAGRH
GUWAHATI-05

5:THE TREASURY OFFICER
BISWANATH
DIST.- BISWANATH
ASSAM

6:THE DISTRICT COMMISSIONER
BISWANATH
PIN- 784176

7:THE CIRCLE OFFICER
BISWANATH REVENUE CIRCLE
P.O. BISWANATH CHARIALI
DISTRICT- BISWANATH
PIN- 78417

Advocate for the Petitioner : MR M BORAH,

Advocate for the Respondent : SC, REVENUE AND DISASTER MANAGEMENT DEPT,
SC, AG, Assam,GA, ASSAM,SC, FINANCE

BEFORE
HONOURABLE MR. JUSTICE NELSON SAILO

ORDER

05.09.2024

Heard Mr. M. Borah, learned counsel for the petitioner. Also heard Mr. C.S. Hazarika, learned State Counsel appearing for the respondent Nos.2, 3, 6 & 7; Mr. J. Handique, learned Standing Counsel, Revenue Department for the respondent No.1; Mr. A. Chaliha, learned Standing Counsel, Finance Department for the respondent No.5 and Mr. R.K. Talukdar, learned Standing Counsel, AG, Assam for the respondent No.4.

2. Having regard to the projection made by the petitioner and the instructions received by the learned Standing Counsel for the AG, Assam, the

writ petition is taken up for disposal at this stage.

3. The case of the petitioner is that her father was serving as Lot Mondal in the Revenue Circle Office, Biswanath Chariali in the district of Biswanath, Assam and he retired from service on 31.12.1992. After retiring from service, he expired on 11.04.2018. The claim of the petitioner is that since she is the unmarried dependant daughter of the late retired Lot Mondal, she is entitled to receive family pension as per the relevant provisions of law.

4. The learned Standing Counsel, AG, Assam has produced a communication dated 03.09.2024 issued by the Senior Accounts Officer to the District Commissioner, Biswanath, asking for the following documents:-

“(i) Self-declaration in the form of Affidavit by the unmarried dependent daughter to the effect that there is no disable member in the family eligible for lifetime family pension in the form of Affidavit.

“(ii) Form 10 A (list of Family members showing relationship and age) signed by the claimant and duly certified by the DDO.”

5. It has been further stated that the above documents may be forwarded for early settlement of the family pension case.

6. The learned counsel for the petitioner has drawn the attention of this Court to various certificates annexed to the writ petition, which includes certificate of unemployment, certificate of non marriage etc. However, the requisites as mentioned in the communication dated 03.09.2024 admittedly has not been furnished to the authority concerned, which has led to non-finalization of the pension case. It is also seen that there is no dispute at the Bar that the

petitioner is not eligible for receiving the family pension, which however, is subject to the production of the requisites as mentioned in the said communication dated 03.09.2024.

7. In view of the above, this Court is of the considered view that instead of keeping the matter pending any longer, the matter can be disposed of by directing the petitioner to submit the requisites before the respondent authority concerned. Accordingly, the petitioner shall furnish the requisites, as stated hereinabove, before the District Commissioner, Biswanath as expeditiously as possible and upon receipt of the same, the District Commissioner, Biswanath shall forward the same to the Office of the Principal Accountant General (A & E), Assam immediately. On receipt of the same, the Principal Accountant General shall do the needful expeditiously and within a period of 2(two) months from the date of receipt of the requisite documents from the District Commissioner, Biswanath.

8. It is also noticed that the third requirement as per the communication dated 03.09.2024 is for the Treasury Office, Biswanath Chariali Treasury to furnish the both halves of the PPO bearing No.BIS/55320 in respect of the late employee with last payment certificate. Such being the requirement, the Treasury Officer concerned shall furnish both halves of the PPO to the Principal Accountant General, Assam in terms of the said letter. If one half of the PPO is retained by the petitioner, the same shall be submitted by her to the Treasury Officer, Biswanath Chariali to enable him to forward the both halves of the PPO as has been requisitioned.

9. With the above direction the writ petition stands disposed of.

10. The communication dated 03.09.2024 produced by the learned Standing Counsel, AG, Assam shall be retained on record and marked as 'X' for identification.

JUDGE

Comparing Assistant