

GAHC010052072024



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

Case No. : WP(C)/1472/2024

NURUN NEHAR BEGUM
W/O- LATE ABDUL BASID,
VILLAGE- PATIALPARA,
PO- BHAWRAGURI,
DISTRICT- KOKRAJHAR, ASSAM,
PIN- 783370.

VERSUS

THE STATE OF ASSAM AND 7 ORS
REPRESENTED BY ITS PRINCIPAL SECRETARY TO THE GOVERNMENT OF
ASSAM,
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT,
DISPUR, GUWAHATI-6.

2:THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF ASSAM
PENSION AND PUBLIC GRIEVANCES DEPARTMENT

ASSAM
DISPUR
GUWAHATI-6.

3:THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF ASSAM
FINANCE DEPARTMENT
DISPUR
GUWAHATI-6.

4:THE COMMISSIONER
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT
JURIPAR
PUNJABARI
GUWAHATI-37.

5:THE DIRECTOR OF PENSION
ASSAM
HOUSEFED COMPLEX
GUWAHATI-6.

6:THE CHIEF EXECUTIVE OFFICER
ZILLA PARISHAD
SOUTH SALMARA MANKACHAR
PO- FEKAMARI

DISTRICT- SOUTH SALMARA MANKACHAR

ASSAM
PIN- 783135.

7:THE CHIEF EXECUTIVE OFFICER
ZILLA PARISHAD
DHUBRI
P.O. AND DISTRICT- DHUBRI
ASSAM

PIN- 783301.

8:THE TREASURY OFFICER
SOUTH SALMARA MANKACHAR TREASURY
HATSINGIMARI
PO- FEKAMARI

DISTRICT- SOUTH SALMARA MANKACHAR

ASSAM
PIN- 783135

Advocate for the Petitioner : MR. M ISLAM, MS A KHATUN

Advocate for the Respondent : SC, P AND R.D., GA, ASSAM,SC, FINANCE

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

18.11.2024

1. Heard Mr. M. Islam, learned counsel for the petitioner. Also heard Mr. S.

Dutta, learned Standing Counsel, P&RD Department, Mr. R. Dhar, learned Additional Senior Government Advocate for the State respondents and Mr. A. Chaliha, learned Standing Counsel, Finance Department.

2. By way of this petition under Article 226 of the Constitution of India, the petitioner is seeking direction for payment of the pension w.e.f. the date of death of the petitioner's husband by considering the total length of service of the petitioner's husband reckoned from the date of his initial appointment, i.e. on 16.12.1993 in the service of the Panchayat till his date of death on 22.07.2022, in terms of the judgment and order dated 24.03.2010 passed in WA No.145/2009 and the judgment and order dated 05.08.2023 passed in WA No.133/2023.

3. It is submitted at the Bar that the issue involved in this writ petition is squarely covered by the judgment and order of this Court in the case of *Nur Hussain Mollah vs. The State of Assam & Others* in WP(C) 4397/2022, wherein this Court by judgment and order dated 05.08.2022 was pleased to direct the respondents in the P&RD Department to pass necessary orders on the entitlement of the petitioner for pension by taking note of the law laid down by the Division Bench in WA No.145/2009. It appears that against the aforesaid judgment and order of the learned Single Judge, the State respondents had preferred a writ appeal, being WA No.133/2023, which was dismissed by the Division Bench of this Court on 05.08.2023 by upholding the said judgment and order of the learned Single Judge of this Court dated 05.08.2022. It further appears that against the judgment and order of the Division Bench, an SLP being Special Leave Petition (Civil) Diary No(s). 24107/2024 was preferred

before the Apex Court, which was also dismissed by the Apex Court, vide judgment and order dated 19.07.2024. It thus appears that the decision of the learned Single Judge in WP(C) 4397/2022 stands affirmed.

4. In view of the above, I am inclined to dispose of this writ petition in similar line as that of judgment and order dated 05.08.2022 passed in WP(C) 4397/2022. Resultantly, the respondents P&RD Department are directed to pass necessary order on the entitlement of the petitioner for pension by taking note of the aforesaid judgment and order dated 05.08.2022 passed in WP(C) 4397/2022 and the Division Bench judgment and order dated 05.08.2023 passed in WA 133/2023.

5. The writ petition accordingly stands disposed of.

JUDGE

Comparing Assistant