

GAHC010053322020



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

Case No. : WP(C)/1851/2020

GITA DEKA
W/O. LT. BHABEN DEKA, VILL. PITHAKHOWAPARA, P.O. HAZARIKAPARA,
P.S. SIPAJHAR, DIST. DARRANG, ASSAM.

VERSUS

THE STATE OF ASSAM AND 5 ORS.
REP. BY ADDL. CHIEF SECRETARY PANCHAYAT AND RURAL
DEVELOPMENT DEPTT., DISPUR, GUWAHATI-06.

2:COMMISSIONER
PANCHAYAT AND RURAL DEVELOPMENT PANJABARI
JURIPAR
GUWAHATI-37
ASSAM.

3:COMMISSIONER AND SECRETARY
PENSION AND PUBLIC GRIEVANCES DEPTT.
GOVT. OF ASSAM
DISPUR
GUWAHATI-06.

4:ADDL. CHIEF SECRETARY
DEPTT. OF FINANCE
GOVT. OF ASSAM
DISPUR
GUWAHATI-06.

5:PROJECT DIRECTOR

DISTRICT RURAL DEVELOPMENT AGENCY UDALGURI
ASSAM.

6:ACCOUNTANT GENERAL (A AND E)
ASSAM
BELTOLA
MAIDAMGAON
GUWAHATI-29

Advocate for the Petitioner : MR J CHUTIYA

Advocate for the Respondent : SC, PNRD

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

26.04.2024

Heard Mr. J. Chutiya, learned counsel for the petitioner. Also heard Mr. P. Handique, learned Standing Counsel, P&RD; Mr. D. Bhattacharyya, learned Standing Counsel, Accountant General and Mr. A Chakrabarty, learned Government Advocate.

2. The petitioner is before the Court seeking a direction to the respondents to release all financial dues relating to pension, Leave Encashment, GPF etc payable to her late husband for the services rendered by him.

3. It is submitted that the late husband of the petitioner was appointed as an Extension Officer (Credit) in the Office of the Project Director, District Rural Development Agency, Sonitpur, Tezpur under the Panchayat and Rural Development Department of Government of Assam on 16.06.1983. Subsequently, he was transferred to the Office of the Project Director, District Rural Development Agency, Darrang, Mangaldoi. The husband of the petitioner was promoted to the post of Assistant Planning Officer (Credit). While he was serving as an Assistant Planning Officer (Credit) in the Office of the respondent No. 5, he passed away on 13.04.2010 while under treatment in the LGB Chest Hospital in Guwahati. It is submitted that the provisional family pension to the petitioner was sanctioned and which was

communicated to the Accountant General (A&E), Assam by the Joint Secretary to the Government of Assam, Panchayat and Rural Development Department. The Joint Secretary to the Government of Assam, Panchayat and Rural Development Department forwarded a letter to the respondent No. 5 requesting for submitting the fresh proposal for onward submission to the Accountant General, Assam for release of final GPF Account due to the petitioner. Thereafter, the petitioner had approached the respondents to release the pension, Leave Encashment, GPF etc but the regular family pension and other retirement benbefits due to the petitioner has not been released yet. Being aggrieved, the present writ petition has been filed.

4. Considering the limited prayer of the writ petitioner and also taking into considerations the fact that the writ petitioner has preferred a representation stated to have been filed and which is stated to be pending before the Department and also taking into consideration the submissions made at the Bar, this Court is of the view that at this stage the writ petition can be disposed of with a direction to the respondents, more particularly, respondent No. 2 to expeditiously consider and dispose of the representation stated to have been filed by the petitioner and there upon the respondent No. 2 will examine the claims of the writ petitioner. Upon such examination, if it is found that the pensionary benefits as prayed for is entitled to be released to the petitioner then the proposal to that effect be initiated and upon receipt of the sanction for the same it can be released to the petitioner. The entire exercise will be undertaken by the respondent No. 2 as directed above within a period of 60 (sixty) days from the date of receipt of a certified copy of this order.

5. With the above observations the writ petition stands dispose of. No order as to costs.

JUDGE

Comparing Assistant