

GAHC010073432024



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

Case No. : WP(C)/2026/2024

KAMALINI DEVI @ KOMOLINI DEVI
W/O- LATE KUNJA BIHARI SINGH, R/O- HOUSE NO. 22, K.C. PATWARI
LANE, MANIPURI BASTI, P.O. AND P.S. PALTANBAZAR, DIST. KAMRUP(M),
GUWAHATI-781007.

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM,
POWER (ELECTRICITY) DEPARTMENT.

2:THE ASSAM POWER DISTRIBUTION COMPANY LTD.
REPRESENTED BY ITS CHAIRMAN
BIJULEE BHAWAN
PALTANBAZAR
GHY-1/

3:THE CHIEF GENERAL MANAGER
ASSAM POWER DISTRIBUTION COMPANY LTD.
BIJULEE BHAWAN
PALTANBAZAR
GHY-1.

4:THE DEPUTY GENERAL MANAGER
ASSAM POWER DISTRIBUTION COMPANY LTD.
BIJULEE BHAWAN
PALTANBAZAR
GUWAHATI-1.

5:THE MANAGER
NAGAON ELECTRICAL DIVISION-I
APDCL
PIOLI PHUKAN ROAD
PANIGAON CHARIALI

PANIGAON
NAGAON
ASSAM-782001.

6:THE DIRECTOR OF PENSION
HOUSEFED COMPLEX
GUWAHATI-06

Advocate for the Petitioner : MR. D BORAH, K BARMAN,MS P SINGH
Advocate for the Respondent : GA, ASSAM, SC, APDCL,SC, FINANCE

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

14-08-2024

Heard Shri D. Borah, learned counsel for the petitioner. Also heard Shri B. Choudhury, learned Standing Counsel, APDCL. Ms. M. Bhattacharya, learned Addl. Senior Govt. Advocate, Assam and Shri R. Borpujari, learned Standing Counsel, Finance Department are present.

Considering the subject matter and also the fact that pursuant to the order dated 01.05.2024 of this Court, the learned Standing Counsel has obtained written instructions, the writ petition is taken up for disposal at the motion stage.

The subject matter involved is a claim pertaining to family pension.

It is projected that the husband of the petitioner, Kunja Bihari Singh was serving in the APDCL who has retired on 31.12.2000 and was getting the pension. However, the husband passed away on 03.12.2022 and thereafter, the family pension has not been paid to the petitioner. Shri Borah, the learned counsel for the petitioner has submitted that representations were submitted to the respondent authorities and the last representation is of 07.03.2024 and even thereafter, no steps have been taken for release of the family pension.

Shri B. Choudhury, learned Standing Counsel, APDCL on the other hand, by referring to the written instructions dated 25.04.2024 has contended that the

petitioner has not submitted the proper application for release of the family pension. He has also informed this Court that apart from the Death Certificate, no other documents have been submitted.

The learned Standing Counsel however submits that it is only on account of non-furnishing/submitting of the required documents and the application in the proper format that the matter for release of family pension has been delayed.

In view of the aforesaid facts and circumstances and considering the subject matter, as indicated above relating to family pension, the writ petition is disposed of by directing the petitioner to submit the necessary documents and testimonials in support of her claim for family pension. The application is also directed to be submitted in the proper format. On submission of the aforesaid application and testimonials, the matter is to be processed expeditiously as the death of the government servant was in December, 2022 and in any case is to be completed preferably within a period of 3 (three) months from the date of receipt of the certified copy of this order along with other testimonials and applications.

Writ petition accordingly stands disposed of.

Written instructions dated 25.04.2024 is made part of the record.

JUDGE

Comparing Assistant