

GAHC010090032021



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

Case No. : WP(C)/3091/2021

RAIHENA BEGUM

W/O. LT. FERAZ ALI AHMED (EX-SDI, NAGAON WEST SUB-DIVISION) D/O.
MD. HAFIZUDDIN AHMED, R/O. NAVA JYOTI PATH, NALIAPOOL, P.O. AND
P.S. DIBRUGARH, DIST. DIBRUGARH, ASSAM, PIN-785001.

VERSUS

THE UNION OF INDIA AND 5 ORS
TO BE REP. BY THE SECRETARY TO THE GOVT. OF INDIA, MINISTRY OF
COMMUNICATION, DEPTT. OF POSTS, NEW DELHI-110011.

2:THE CENTRAL ADMINISTRATIVE TRIBUNAL (CAT)
GUWAHATI BENCH
GUWAHATI-05.

3:THE CHIEF POSTMASTER GENERAL

ASSAM CIRCLE
MEGHDOOT BHAWAN
PANBAZAR
GUWAHATI-01.

4:THE SUPERINTENDENT OF POST OFFICES
NAGAON DIVISION
NAGAON
PIN-782001.

5:MUSSTT. AMBIA BEGUM
W/O. LT. ARFAN ALI
R/O. PADUM NAGAR
OPP. BARUAH PETROL PUMP
P.S. AND DIST. DIBRUGARH
ASSAM
PIN-786001

6:KAZI IBRAHIM ALI AKANDA
MUSLIM MARRIAGE AND DIVORCE REGISTRAR AND KAZI
DHING
DIST. NAGAON
ASSAM PIN-78212

Advocate for the Petitioner : MR H R A CHOUDHURY

Advocate for the Respondent : ASSTT.S.G.I.

Linked Case : **WP(C)/2914/2021**

MUSSTT AMBIA BEGUM
W/O LATE ARFAN ALI
RESIDENT OF PADUM NAGAR
OPP. BARUAH PETROL PUMP
UNDER DIBRUGARH POLICE STATION
DIBRUGARH
ASSAM 786001

VERSUS

THE UNION OF INDIA AND 5 ORS
REPRESENTED BY THE SECRETARY TO THE GOVT. OF INDIA
MINISTRY OF COMMUNICATION
DEPARTMENT OF POSTS
NEW DELHI 110011

2:THE CENTRAL ADMINISTRATIVE TRIBUNAL (CAT)
GUWAHATI BENCH AT GUWAHATI

3:THE CHIEF POSTMASTER GENERAL
ASSAM CIRCLE
MEGHDOOT BHAWAN
PANBAZAR
GUWAHATI 781001

4:THE POSTMASTER GENERAL
DIBRUGARH REGION
DIBRUGARH
NEAR NALIAPOL MASJID
PO PS AND DIST DIBRUGARH
786001

5:THE SUPERINTENDENT OF POST OFFICES
NAGAON DIVISION
NAGAON 782001

6:MRS. RAIHENA BEGUM
D/O MD. HAFIZUDDIN AHMED
RESIDENT OF NAVA JYOTI PATH
NALIAPOOL
PO PS AND DIST DIBRUGARH
ASSAM 786001

In WP(C) 3091/2021

For the petitioner : Mr. M.H. Rajbarbhuiyan,
Md. A.S. Ali,
Mr. A. Mannaf, Advocates.
For the respondents : Mr. H. Gupta, C.G.C.
For respondent Nos.1 to 4
Mr. A. Chakraborty, Advocate
For respondent No.5

In WP(C) 2914/2021

For the petitioner : Mr. A. Chakraborty, Advocate
For the respondents: Ms. B. Sarma, C.G.C.
For respondent Nos.1, 3, 4 & 5
Mr. A. Mannaf, Advocate
For respondent No.6

– B E F O R E –

HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI

HON'BLE MR. JUSTICE SUMAN SHYAM

07-06-2024

(Vijay Bishnoi, C.J.)

1. Both these writ petitions are preferred against the order dated 13.04.2021 passed by the Central Administrative Tribunal (hereinafter to be referred as 'CAT'), Guwahati Bench whereby the original application, being, Original Application No.040/00077/2019 filed by the petitioner in WP(C) 3091/2021 has

been disposed of with a direction to the respondent Nos.1 to 5 to process the application filed on behalf of the applicant Raihena Begum for consideration of granting family pension to her as admissible under the law with a further direction to approve all other terminal benefits as admissible in favour of Musstt. Ambia Begum, the petitioner in WP(C) 2914/2021. The CAT has also directed to carry out the said exercise as expeditiously as possible, but not later than three months from the date of receipt of the copy of the order. WP(C) 2914/2021 has been filed by the petitioner, namely, Ambia Begum, who is the mother of the deceased government employee.

2. The brief facts of the case are that the petitioner in WP(C) 3091/2021, Mrs. Raihena Begum filed the above referred original application with the prayer to issue a direction to the respondent authorities, more particularly, the Superintendent of Post Offices, Nagaon Division, Nagaon to look into her grievance and to consider her case for granting family pension and other benefits under the relevant pension scheme. She also prayed for a direction to the respondent authorities to dispose of her applications filed on various dates before the Superintendent of Post Offices, Nagaon Division, Nagaon.

It was contended before the CAT on behalf of the applicant that she is the legally wedded wife of the deceased government employee and therefore, she is entitled to the family pension and terminal benefits relating to the service of the deceased government employee. The claim of the applicant was contested on behalf of the mother of the deceased employee, namely, Musstt. Ambia Begum, who was respondent No.6 in the original application [writ petitioner in WP(C) 2914/2021] on the ground that on the date of death of her son, Raihena Begum was not his wife, as prior to his death, the deceased government employee had

already divorced her.

3. The CAT after considering the rival submissions has summarised the picture emerged in the matter in paragraph 9 of the impugned order, which reads as under:

“9. After detail hearings and minute perusal of all the documents submitted by all the parties including private respondent No.6, following picture has emerged that;-

(i) It is factually proved as admitted by all the parties involved that the applicant did get married with the deceased Govt. employee on 13.12.2015. This is also unequivocally admitted by respondent No.6.

(ii) It is also factually proved that deceased employee Late Firoz Ali Ahmed has expired on 06.08.2017, duly supported by the statements and documents submitted by them except one.

(iii) The claim of respondent No.6 that the deceased Govt. employee Late Firoz Ali Ahmed had divorced/pronounced Talaq on the applicant on 01.01.2017 at Nagaon is not beyond reasonable doubt. Since respondent No.6 is only 3rd person in the context of marriage relation between the deceased Govt. employee and his wife i.e. applicant, the claim of respondent No.6 is found not acceptable.

(iv) The learned counsel for the applicant also submitted that, as stated above, there is no such Registration of Talaq Nama in their translated letter dated 06.08.2018.

(v) It is also seen from the records that the deceased Govt. employee Firoz Ali Ahmed had nominated respondent No.6 i.e. Musstt. Ambia Begum (Mother) in the Form of Nomination dated 16th March 2000 which was duly accepted by the competent authority on 13.06.2000.”

4. After analysing the said situation, the CAT has passed the impugned order

whereby it has issued direction to the authorities to consider the application filed by Mrs. Raihena Begum for granting family pension to her and to approve all other terminal benefits as admissible to Musstt. Ambia Begum, mother of the deceased employee.

5. Having heard the learned counsel appearing for the parties and after going through the material available on record, we are of the view that the CAT has passed the impugned order after considering the factual aspects in totality and therefore, the CAT has not committed any illegality in passing the impugned order. Hence, no interference is called for with the impugned order and accordingly, both the writ petitions are dismissed.

JUDGE

CHIEF JUSTICE

Comparing Assistant