

GAHC010103732024



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

Case No. : WP(C)/2741/2024

JAMILA BIBI
W/O- LATE SATTAR ALI,
VILLAGE- SATBIL PT. II (TOKEYAMARI),
P.O.- BINNYAKHATA,
P.S.- GOSSAIGAON, DIST.- KOKRAJHAR,
(BTR), ASSAM, (ASSAM)
PIN- 783336.

VERSUS

THE STATE OF ASSAM AND 7 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM,
P AND RD DEPTT., DISPUR, GHY-06.

2:THE COMMISSIONER
P AND R.D. DEPTT.
ASSAM
JURIPARA
PANJABARI
GUWAHATI- 37.

3:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
PENSION AND PUBLIC GRIEVANCE DEPTT.
DISPUR
GUWAHATI-6.

4:THE PRINCIPAL SECRETARY
FINANCE DEPTT.
DISPUR
GUWAHATI-6.

5:THE ACCOUNTANT GENERAL (A AND E)

ASSAM
MAIDAMGAON
BELTOLA
GUWAHATI-29.

6:THE BODOLAND TERRITORIAL COUNCIL
REPRESENTED BY ITS SECRETARY
BTC

KOKRAJHAR
ASSAM
783370.

7:THE DISTRICT COMMISSIONER
KOKRAJHAR
P.O. AND DIST.- KOKRAJHAR
BTC

ASSAM. 783370.

8:THE SUB-DIVISIONAL OFFICER (CIVIL) GOSSAIGAON CUM SECRETARY
MAHAKUMA PARISHAD
GOSSAIGAON
P.O. AND P.S.- GOSSAIGAON

DIST. KOKRAJHAR
BTC

ASSAM. 78333

Advocate for the Petitioner : MD. A HUSSAIN

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

BEFORE
HONOURABLE MR. JUSTICE KARDAK ETE

ORDER

Date : 29.05.2024

Heard Mr. A. Hussain, learned counsel for the petitioner. Also heard Mr. P. Handique, learned standing counsel, P & RD; Mr. T.C. Chutia, learned Additional Senior Government Advocate for the respondent No.3; Mr. C. S. Hazarika, learned counsel for the AG, Assam; Mr. R. Borpujari, learned

counsel for the respondent No.4 and Mr. R.K. Mushahary, learned counsel for the respondent No.6.

By filing this petition, the petitioner has prayed for a direction to the respondent authority to finalize and grant the family pension and other retirement benefits to the petitioner on account of death of her husband, who was serving as Tax Collector under Gossaigaon Mahakuma Parishad in the Kokrajhar district, Assam.

It is submitted by the learned counsel for the petitioner that the husband of the petitioner retired from service in the year 2016 and thereafter submitted all necessary documents for granting pensionary benefits before the respondent authority. But unfortunately he died on 13.02.2017. It is contended that the petitioner approached the appropriate authority for finalization and grant of pensionary benefit along with other retirement benefits of her late husband.

It is noticed that the petitioner filed a representation for grant of family pension and other retirement benefits of her late husband to the Commissioner P& RD, Assam.

Mr. P. Handique, learned counsel has pointed out that the Commissioner, P & RD is not an appropriate authority to consider the grievance of the petitioner. He submits that the appropriate authority is the Principal Secretary, BTC as the petitioner retired from Gossaigaon Mahakuma Parishad in the district of Kokrajhar.

Considering the above, the writ petition is disposed of by granting liberty to the petitioner to file application before the appropriate authority i.e. the Principal Secretary, BTC, Kokrajhar. In the event, the petitioner files an application, it is provided that the respondent authority i.e. Principal Secretary, BTC, Kokrajhar shall consider and dispose of the application within a period of two months from the date of receipt of the application.

JUDGE

Comparing Assistant