

GAHC010119822023



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

Case No. : WP(C)/3196/2023

HEMANTI KALITA
W/O- LATE SUKUMAR KALITA, VILL- TANGABARI, P.O. HUDUKHATA,
DIST.- BAKSA, ASSAM, PIN- 781318

VERSUS

THE STATE OF ASSAM AND 6 ORS
REP. BY THE SECRETARY TO THE GOVT. OF ASSAM, ELEMENTARY
EDUCATION DEPTT., DISPUR, GHY-06

2:THE BODOLAND TERRITORIAL REGION
REP. BY ITS PRINCIPAL SECRETARY
BODOLAND TERRITORIAL REGION
KOKRAJHAR
ASSAM
PIN- 783370

3:THE DIRECTOR OF EDUCATION
BTC
KOKRAJHAR
ASSAM
PIN- 783370

4:THE ACCOUNTANT GENERAL
ASSAM MAIDAMGAON
GUWAHATI

5:THE DIRECTOR OF PENSION
BASISTHAPUR DISPUR
GHY-06

6:THE DEPUTY INSPECTOR OF SCHOOLS

SALBARI
P.O. SALBARI
DIST.- BAKSA
ASSAM
PIN- 781318

7:THE BLOCK ELEMENTARY EDUCATION OFFICER
JALAH BLOCK
ANCHALI
P.O. ANCHALI
DIST.- BAKSA
ASSAM
PIN- 78132

Advocate for the Petitioner : MR. S Ali

Advocate for the Respondent : SC, BTC

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

26.02.2024

Heard Mr. S. Ali, learned counsel for the petitioner. Also heard Mr. R.K. Muchahary, learned Standing Counsel, BTC for the respondents No. 2, 3, 6 & 7; Ms. S. Konwar, learned Standing Counsel, Elementary Education; Ms. N. Hussain, learned Standing Counsel, Accountant General and Mr. P. Saikia, learned Government Advocate, Pension.

2. The claim of the petitioner is for release of family pension in respect of the services rendered by one Sukumar Kalita, who served as Assistant Teacher as Stipendiary and posted at 1250 No. Tukurakuchi L.P School and subsequently was allowed to hold charge as Head Master of 689 No. Amrartary L.P. School. The husband of the petitioner expired during service on 27.06.2021. It is the claim of the petitioner that she being the legally wedded wife, she entitled to get the family pension. However, no steps have been taken by the respondents

towards release of family pension.

3. The respondent BTC authorities in order to redress the grievances of the petitioner called for an enquiry to be conducted in respect of the marital status of late Sukumar Kalita. This enquiry was conducted by the ADC and In-Charge, SDO, Civil, Salbari. The enquiry report dated 28.12.2023 which was furnished to the District Commissioner, Baksa and a copy thereof has also been forwarded to the BTC authorities as also a copy received from the DC, Baksa's Office. It is seen that the conclusion in the enquiry conducted by the ADC and In-charge, SDO is that the petitioner had marital relationship with late Sukumar Kalita and therefore, the petitioner is entitled to get the pensionary benefits in respect of late Sukumar Kalita.

4. The learned Standing Counsel, BTC submits that BTC does not dispute the findings of the enquiry conducted. The office of the District Commissioner, Baksa also has accepted the finding of the enquiry conducted by the ADC, Baksa,

5. Under such circumstances, where the respondent authorities have accepted the findings, there is no occasion to withhold the pensionary benefits payable to the petitioner.

6. Accordingly, it is directed that the respondent authorities more particularly, respondents No. 2, 3, 6 & 7, will forthwith put up the necessary proposal for issuance of family pension in respect of the writ petitioner. The proposal to be received from the Deputy Inspector of Schools, Salbari and the Director of Education will be, thereafter, be forwarded to the Director of Pension and whereupon the necessary orders for grant of family pension will be issued.

7. The exercise be directed as above will be completed within a period of

60(sixty) days from the date of receipt of a certified copy of this order.

8. Accordingly, the writ petition stands disposed of.

9. Interim order, if any, stands vacated.

JUDGE

Comparing Assistant