

GAHC010142692024



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

Case No. : WP(C)/3616/2024

HAFIJA BEGAM BARBHUIYA AND 2 ORS
W/O- LATE SALIM AHMED BARBHUIYA,
RESIDENT OF VILLAGE- DHANEHARI PART-II,
P.O. SILDUBI, P.S.- SONAI,
DIST.- CACHAR, ASSAM.
PIN- 788112.

2: SARIFUZZAMAN BARBHUIYA
S/O- LT. SALIM AHMED BARBHUIYA

VILLAGE- DHANEHARI PART-II

P.O.- SILDUBI
P.S.- SONAI

DISTRICT- CACHAR
ASSAM

PIN- 788112.
THE PETITIONER BEING MINOR
AS SUCH IS REPRESENTED BY HIS LEGAL MOTHER
THE PETITIONER NO. 1.

3: JAHANARA BEGUM BARBHUIYA
D/O- LT. SALIM AHMED BARBHUIYA

VILLAGE- DHANEHARI PART-II

P.O.- SILDUBI
P.S.- SONAI

DISTRICT- CACHAR
ASSAM

PIN- 788112.
THE PETITIONER BEING MINOR
AS SUCH IS REPRESENTED BY HER LEGAL MOTHER
THE PETITIONER NO. 1

VERSUS

THE SECRETARY TO THE GOVT OF ASSAM AND 7 ORS
ELEMENTARY EDUCATION DEPARTMENT,
DISPUR, GUWAHATI-06.

2:THE PRINCIPAL SECRETARY
GOVT. OF ASSAM
PENSION AND PUBLIC GRIEVANCE DEPTT.
BLOCK-A
2ND FLOOR
ASSAM SECRETARIAT

DISPUR
GUWAHATI-06.

3:THE PRINCIPAL ACCOUNTANT GENERAL (A AND E)
ASSAM
MAIDAMGAON
BELTOLA
GUWAHATI- 29.

4:THE DIRECTOR OF ELEMENTARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI-19.

5:THE DIRECTOR OF PENSION
ASSAM
HOUSEFED COMPLEX
CENTRAL BLOCK

6TH FLOOR
BELTOLA ROAD

HOUSEFED
GUWAHATI-06.

6:THE DISTRICT ELEMENTARY EDUCATION OFFICER
CACHAR
SILCHAR
DIST- CACHAR
ASSAM

PIN- 788003.

7:THE BLOCK ELEMENTARY EDUCATION OFFICER
NARSINGPUR
CACHAR
PIN- 788115.

8:HAZIRA BEGUM BARBHUIYA
W/O- LATE SALIM AHMED BARBHUIYA

RESIDENT OF VILLAGE- DHANEHARI PART-II

P.O.- SILDUBI
P.S.- SONAI

DISTRICT- CACHAR
ASSAM

PIN- 788112

Advocate for the Petitioner : MR. K A MAZUMDER

Advocate for the Respondent : SC, ELEM. EDU

BEFORE
HONOURABLE MR. JUSTICE LANUSUNGKUM JAMIR

ORDER

Date : 24.07.2024

Heard Mr. K. A. Mazumder, learned counsel for the petitioner. Also heard Mr. P. N. Sarma, learned standing counsel, Elementary Education Department for the respondent Nos. 1, 4, 6 and 7; Mr. G. Pegu, learned Govt. Advocate for the respondent Nos. 2 and 5 and Mr. P. Sarma, learned standing counsel, Accountant General for the respondent No.3.

2. The petitioner No.1 before this Court claims to be the second wife of Late

Salim Ahmed Barbhuiya, who died on 02.05.2022, while serving as a Hindi Teacher of Rupa Mia Choudhury M. E. School, Kazidhar Pt.II, Narshingpur, Cachar, Assam. When the Late Salim Ahmed Barbhuiya died, he left behind his first wife, namely, Hazira Begum Barbhuiya along with three children and the second wife who is the petitioner No.1 herein, along with two children. The pension papers in favour of the first wife, namely, Smt. Hazira Begum Borbhuiya was submitted by the Block Elementary Education Officer, Narshingpur, Cachar to the District Elementary Education Officer, Cachar, Silchar by a Communication dated 03.08.2022. Thereafter, the petitioner No.1 herein, who is the second wife of Late Salim Ahmed Barbhuiya filed her objection praying to stop the pensionary benefits to the first wife of the Late Salim Ahmed Barbhuiya. The said objection was forwarded by the Block Elementary Education Officer, Narshingpur, Cachar to the District Elementary Education Officer, Cachar on 06.02.2023. Thereafter, the first wife of Late Salim Ahmed Barbhuiya filed a writ petition before this Court which was registered as WP(C)/2008/2023. During the pendency of the said Writ Petition, i.e., WP(C)/2008/2023, the first wife of the petitioner and the petitioner No.1 herein, who is the second wife arrived with an agreement and the first wife agreed to share a portion of the pension and retirement benefits with the petitioner No.1 herein. Accordingly, WP(C)/2008/2023 was disposed of on 08.02.2024 recording the agreement between the first wife and the second wife of Late Salim Ahmed Barbhuiya with a further direction that if the respondent No.8/petitioner No.1 herein, has any further grievance, she may approach the appropriate forum towards her claim of maintenance as has been held in the judgment rendered by the full bench of this Court in *Junufa Bibi Vs. Padma Begum (Mustt) and Ors. reported in 2023(1) GLT (FB) 736*.

3. By way of the present writ petition, the petitioner No.1 who is the second wife of Late Salim Ahmed Barbhuiya claims that the first wife of Late Salim Ahmed Barbhuiya failed to give any share of the retiral benefits as well as pension to the petitioner and therefore is praying for a direction to pass an appropriate order in terms of the Notification dated 17.08.2022, issued by the Principal Secretary to the Govt. of Assam, ARTPPG Department. It is the further case of the petitioner No.1 that she has made a representation before the Secretary to the Govt. of Assam, Elementary Education Department on 10.06.2024 praying for pensionary benefits in her favour and also her two minor children. The said representation is yet to be disposed of till date.

4. Accordingly, this Writ Petition is disposed of directing the Secretary to the Govt. of Assam, Elementary Education Department to consider and dispose of the representation filed by the petitioner No.1 on 10.06.2024 in terms of the Notification dated 17.08.2022, issued by the Administrative Reforms, Training, Pension and Public Grievances Department and in accordance with law within a period of 1(one) month from the date of receipt of a copy of the order of this Court.

5. With the above observations and directions, this writ petition is disposed of.

JUDGE

Comparing Assistant