

GAHC010197742023



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

Case No. : WP(C)/5131/2023

SMTI. NANDA KALA CHETRI
W/O- LATE MON BAHADUR CHETRI, R/O- KAMLA BAGAN, UMRANGSO,
P.S. UMRANGSO, DIST. DIMA HASAO, ASSAM

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF ASSAM,
PWD DEPARTMENT, DISPUR, GUWAHATI-781006, DIST. KAMRUP(M),
ASSAM

2:THE PRINCIPAL SECRETARY

DIMA HASAO AUTONOMOUS COUNCIL
HAFLONG
DIST. DIMA HASAO
ASSAM

3:THE EXECUTIVE ENGINEER
PWD

UMRANGSO NEC DIVISION
UMRANGSO
P.S. UMRANGSO
DIST. DIMA HASAO
ASSAM

4:THE SECRETARY TO THE GOVERNMENT OF ASSAM
PENSION AND PUBLIC GRIEVANCES DEPARTMENT
DISPUR
GUWAHATI
PIN- 781006

DIST. KAMRUP(M)
ASSAM

5:THE ACCOUNTANT GENERAL (A AND E)

MAIDAMGAON
BELTOLA
GUWAHATI-781028
KAMRUP(M)
ASSAM

6:THE SECRETARY TO THE GOVT. OF ASSAM
FINANCE DEPARTMENT
DISPUR
GUWAHATI-781006
DIST. KAMRUP(M)
ASSA

Advocate for the Petitioner : MR. D GOGOI

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

21.02.2024

Heard Mr. R. Bora, learned counsel for the petitioner. Also heard Mr. R. Dhar, learned Addl. Sr. Government Advocate for the respondent No. 1; Ms. R. Deka, learned counsel for the respondents No. 2 & 3; Ms M. Bhattacharjee, learned Addl. Sr. Government Advocate for the respondent No. 4; Mr. R.K. Talukdar, learned counsel for the respondent No. 5 and Mr. R. Borpujari, learned counsel for the respondent No. 6.

2. This writ petition is filed by the petitioner who claims that she is the widow of one late Bahadur Chetri who was appointed as a Muster Roll worker under the establishment of Assistant Executive Engineer, PWD, Umrangso NEC Sub-

Division in the district of North Cachar Hills (Presently Dima Hasao) and he joined his duties.

3. It is submitted that the petitioner's late husband served as a Muster Roll worker and was accordingly issued identity card and performed his duties sincerely and with utmost devotion without any break the service. Thereafter, the services of the late husband of the petitioner was regularized as a Grade-IV Muster Roll worker. After rendering more than 23 years of services as a Grade-IV employee under the PWD, NEC Department, the late husband of the petitioner superannuated from service on 30.09.2014. Subsequently, the late husband of the petitioner passed away on 08.07.2021. Although the petitioner has been approaching the respondent authorities, her claim for family pension has not been entertained as yet. It is submitted on behalf of the petitioner that the documents which are available with the petitioner in respect of her claim for family pension pursuant to the expiry of her late husband are enclosed to the present writ petition. A representation was also filed before the respondent No. 4 praying for issuance of copies of the service book. However, that representation which was filed on 21.06.2023 has remained pending and no orders have been passed on the said representation. Being aggrieved, the petitioner is before this Court.

4. The learned Standing Counsel appearing for the Dima Hasao submits that she has no instructions and would like to obtain the required instructions in the matter.

5. Upon hearing the learned counsel for the petitioner and upon careful perusal of the writ petition, it is seen that the prayer made in the writ petition is for a direction to the respondent authorities to verify the claim of the petitioner and to release the family pension as well as the arrear pension and all other

admissible retirement benefits against the services rendered by her late husband as a Grade-IV Employee. The representation dated 21.06.2023 stated to have been filed is pending before the respondent authorities.

6. Considering that the late husband of the petitioner expired on 08.07.2021 and the petitioner thereafter is pursuing the matter for grant of family pension before the respondent authorities, this Court is of the considered view that the writ petition can be closed at this stage with a direction to the respondents, more particularly respondent No. 3 to expeditiously verify the claims of the petitioner with regard to grant of family pension in respect of the services stated to have been rendered by the late husband as a regularized Grade-IV employee and as to whether the petitioner is entitled to a claim of family pension in respect of such services rendered by her late husband. If, upon due verification, the respondent No. 3 finds that the claim of the petitioner is indeed maintainable then all necessary steps will be taken to process her claim for release of family pension by forwarding the necessary papers to the concerned department. In the event, the respondent No. 3 comes to a finding that the petitioner is entitled to get the family pension as prayed for and the pension papers are forwarded to the other respondents namely respondents No. 4 & 5 then the said respondents will thereafter expeditiously process the claim and release the same without any further delay. The verification of the claims of the petitioner be completed within a period of 60 (sixty) days from the date of receipt of certified copy of this order.

7. The writ petition is accordingly disposed of in terms of the above. No order as to cost.

JUDGE

Comparing Assistant