

GAHC010230772023



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

Case No. : WP(C)/6064/2023

MUSTT. MONUWARA BEGUM
W/O- LATE ABUL KASHEM, R/O- VILL.- FAKULI, P.O. DIGHALI, P.S.
RUPAHIHAT, DIST. NAGAON, ASSAM, PIN- 782125.

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, PENSION AND PUBLIC GRIEVANCES DEPARTMENT, DISPUR,
GUWAHATI-06.

2:THE DIRECTOR OF PENSION
ASSAM
HOUSEFED COMPLEX
LAST GATE
DISPUR
GHY-06.

3:THE DISTRICT ELEMENTARY EDUCATION OFFICER
NAGAON
ASSAM

4:THE TREASURY OFFICER
NAGAON
DIST. NAGAON
ASSAM

5:THE BLOCK ELEMENTARY EDUCATION OFFICER
FAKULI
DIST. NAGAON
ASSAM

6:THE BRANCH MANAGER
PUNJAB NATIONAL BANK
RUPAHIHAT BRANCH
P.O. AND P.S. RUPAHIHAT
DIST. NAGAON
ASSA

Advocate for the Petitioner : MR. M ALI, MR. R ISLAM,MR J. ISLAM

Advocate for the Respondent : GA, ASSAM, SC, ELEM. EDU

BEFORE
HONOURABLE MR. JUSTICE LANUSUNGKUM JAMIR

ORDER

Date : 20.08.2024

- 1.** Heard Mr. M. Ali, learned counsel for the petitioner.
- 2.** Also heard Mr. G. Pegu, learned Government Advocate, for respondent Nos. 1 & 2; Mr. P.N. Sarma, learned Standing counsel, Elementary Education Department, for respondent Nos. 3 & 5 and Mr. A. Chalia, learned Standing counsel, Finance Department, for respondent No. 4.
- 3.** The petitioner is the second wife of late Abdul Kashem who retired from service on 31.12.1995 while serving as Head Teacher of Fakuli Maktab L.P. School under Fakuli Education Block in the district of Nagaon, Assam. Thereafter, the petitioner's late husband was granted pension by PPO/E/10676 on 21.11.1996 w.e.f. 01.01.1996 by the Director of Pension, Assam. In the meantime, the first wife of the petitioner died on 29.03.2004. Thereafter, late Abdul Kashem married the present petitioner. The petitioner's late husband continued to receive his full pension till the time of his death on 01.01.2023. After the death of her husband, the petitioner applied for family pension before

the Director of Pension, Assam/respondent No. 2. However, the petitioner was directed to make a representation before the District Elementary Education Officer, Nagaon along with all the relevant documents. Accordingly, the petitioner made a representation before the District Elementary Education Officer, Nagaon, Assam on 26.09.2023 praying for payment of family pension due to death of her husband. The said representation dated 26.09.2023 is yet to be considered by the District Elementary Education Officer, Nagaon, Assam/respondent No. 3.

4. Accordingly, this writ petition is disposed of directing the respondent No. 3 to consider the representation made by the petitioner on 26.09.2023 and thereafter, pass appropriate orders in accordance with law after verification of all documents within a period of 1 (one) month from the date of receipt of a certified copy of the order of this Court.

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

JUDGE

Comparing Assistant