



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

Case No. : WP(C)/86/2024

SHRI A WATI PHOM
FATHER OF LATE YEMTEN PHOM AND GRANDFATHER OF
MR. SUNGTAH Y. PHOM
PERMANENT R/O PONGCHING VILLAGE
LONGLENG-NAGALAND- 798625

VERSUS

THE STATE OF NAGALAND AND 5 ORS
THROUGH THE CHIEF SECRETARY TO THE GOVT. OF NAGALAND

2:THE COMMISSIONER AND SECRETARY
HOME DEPT.
NAGALAND KOHIMA

3:THE DIRECTOR GENERAL OF POLICE
POLICE HEADQUARTER
NAGALAND KOHIMA

4:THE ACCOUNTANT GENERAL
NAGALAND KOHIMA

5:THE DEPUTY COMMISSIONER
LONGLENG NAGALAND

6:THE TREASURY OFFICER
LONGLENG NAGALAN

Advocate for the Petitioner : SENTIYANGER

Advocate for the Respondent : GOVT ADV NL

**BEFORE
HON'BLE MR. JUSTICE NELSON SAILO**

ORDER

Date : 27-06-2024

Heard Mr. Sentiyanger, learned counsel for the petitioner and Ms. Inaholi, learned State counsel for the State respondents. Also heard Mr. Kevi Kire, learned counsel appearing on behalf of Mr. Joshua Sheqi, learned Standing counsel, Accountant General, Nagaland (respondent No.4)

2. Having regard to the nature of the case projected by the learned counsel for the petitioner, the writ petition is taken up for disposal at this stage.

3. The case of the petitioner that his son Shri Yemten Phom was appointed as Constable in the 13th (IR) Bn on 01.01.2008. He was married to Smti C.Chamei Phom and out of their wedlock they had a son namely Mr. Sungtah Y. Phom who was born on 19.11.2014. Unfortunately Shri Yemten Phom died in harness on 29.09.2016 and after his death, his wife Smti C. Chamei Phom was receiving the family pension. Unfortunately, his wife also expired on 15.02.2020 leaving behind their only son Mr. Sungtah Y. Phom who is 9 years of age as on today. Since the late Government servant Shri Yemten Phom only nominated

his wife in his service book to receive family pension, his son Mr. Sungtah Phom has been denied family pension. The petitioner who is the grandfather of Mr. Sungtah Phom and father of late Yimten Phom is before this Court seeking for a direction to the respondents to consider the representation submitted by the petitioner for payment of family pension to the son of Shri Yimten Phom.

4. Mr. Sentianger, learned counsel for the petitioner submits that the representation was submitted by the petitioner on 08.04.2024 but the same has not been considered till date. Referring to the O.M. dated 13.07.2015 (Annexure-9), the learned counsel submits that in a case of such nature, the Deputy Commissioner of the district concerned is the authority to hold proper enquiry on the claim made and if the same is found to be genuine, appropriate relief can be granted for payment of family pension to the claimant concerned. Mr. Sentianger, learned counsel therefore submits that in view of the pendency of the representation, the limited prayer of the petitioner at this stage is for a direction to the Deputy Commissioner concerned to consider the representation submitted by the petitioner.

5. The learned State counsel and the learned Standing counsel for the Accountant General Nagaland have no objection to the prayer.

6. In view of the above, this writ petition is disposed of with a direction to the Deputy Commissioner, Longleng to consider the representation submitted by the petitioner on 08.04.2024 in terms of the O.M. dated 13.07.2015 and to pass an appropriate order within a period of 6(six) weeks from the date of receipt of a certified copy of this order. Upon such consideration and verification if the son of the deceased Government servant is found to be entitled for family pension, the same shall be paid to him in accordance with law without further delay. The petitioner shall also submit a copy of the writ petition to the respondent No.5 along with a copy of this order.

7. With the above observation and directions, the writ petition stands disposed of.

**Sd/-
JUDGE**

Comparing Assistant