



Serial No.07
Supp. List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C). No. 315 of 2024

Date of Decision: 18.07.2025

Smti. Rathe Bala Ray @ Roy
Widow of: (Late) Amarendra Ray
No. 72484 Ex Lnk
R/o: Village Dakshin Ganak Gari
P/O: Sorbhog, District Barpeta,
Assam, PIN: 781317.

...Petitioner

-Versus-

1. The Union of India,
Represented by the Secretary to the
Government of India,
Ministry of Home Affairs,
North Block, New Delhi-110001.
2. The Director General Assam Rifles,
Mahanideshalaya,
(The Directorate General of Assam Rifles)
Shillong, Meghalaya – 793011.
3. Record Officer,
Assam Rifles, Shillong,
East Khasi Hills, Meghalaya.
4. Accounts Officer,
Pay and Account Office
Assam Rifles, Shillong,
East Khasi Hills, Meghalaya.

...Respondents



Coram:

Hon'ble Mr. Justice H.S.Thangkhiew, Judge

Appearance:

For the Petitioner/Applicant(s) : Mr. S.D.Upadhaya, Adv.

For the Respondent(s) : Dr. N.Mozika, DSGI with
Ms. M.Myrchiang, Adv.

- | | | |
|-----|--|--------|
| i) | Whether approved for reporting in
Law journals etc: | Yes/No |
| ii) | Whether approved for publication
in press: | Yes/No |
-

JUDGMENT AND ORDER (ORAL)

1. The writ petitioner is before this Court with a prayer for grant of family pension in her favour with effect from the date of the demise of her late husband, (Late) Shri. Amarendra Ray.

2. The brief facts are that the petitioner's late husband had taken voluntary retirement from service on 11-11-1990, and his first wife one Smti. Amiya Ray had passed away on 2009 and the deceased employee solemnised his second marriage on 12-10-2017. On the passing away of the husband of the writ petitioner on 11-12-2019, the petitioner thereafter on



2024, had preferred a representation before the respondents for grant of family pension, but as it was recorded in the said Marriage Certificate that the marriage of the writ petitioner with her deceased husband, though solemnised on 12-10-2017, was with effect from 10-04-1981, as such, the respondents had rejected the prayer of the writ petitioner. The rejection, it is noted, was due to the finding that the second wife will not be entitled to family pension as the marriage to her deceased husband was contracted when his first spouse was living.

3. Mr. S.D.Upadhaya, learned counsel for the petitioner submits that the instant matter is but a mercy petition as the writ petitioner is presently 67 years old, with no adequate financial means. He thus, prays that the respondents be directed to consider the case of the writ petitioner sympathetically, inasmuch as, notwithstanding other circumstances, the marriage was registered in 2017, whereas the first spouse of the late husband had died as far back as on 2009.

4. Dr. N.Mozika, learned DSGI assisted by Ms. M.Myrchiang, learned counsel on behalf of the respondents, submits that by application of the rules strictly, though the marriage was solemnised in 2017, it being recorded therein that the same was with effect from 10-04-1981, has prevented the



respondents from taking any decision in the matter and as such, the writ petitioner till date has not been granted the family pension.

5. This Court has heard the learned counsels for the parties and in consideration of the submissions made, it appears to be a case wherein by the strict application of the provisions of law, perhaps the eligibility of the writ petitioner to family pension is highly questionable. A perusal of the said MarriageCertificate shows that the marriage was registered on 12-10-2017, but however, it is recorded therein that the same would be taken to be effective from 10-04-1981. In these circumstances, as no categorical order can be passed by this Court at this stage, in the interest of justice and equity, considering the advanced age of the writ petitioner, it is directed that the respondents consider the case of the writ petitioner sympathetically, especially taking into account that the marriage was registered only on 2017.

6. With the above noted observations and discussions, the writ petition is disposed of.

Judge