GAHC010007152017

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

Case No. : WP(C)/27/2018

AUTUMANI SARMAH AND ANR
S/O- LATE DILIP KUMAR SARMAH, REP. BY MOTHER MAMANI NAYAK DEVI, W/O- LATE DILIP KUMAR SARMAH, R/O- CHACHAL, SIXMILE, P.O- KHANAPARA, PIN- 781022

2: PRIYANKA DEV

VERSUS

THE STATE OF ASSAM AND 6 ORS
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT OF ASSAM, HOME DEPARTMENT, DISPUR, GUWAHATI- 06

2:THE ACCOUNTANT GENERAL

3:THE DIRECTOR OF PENSIONS AND PUBLIC GRIEVANCES

4:THE TREASURY OFFICER

5:THE ADDITIONAL DIRECTOR GENERAL OF POLICE(SSB)

6:THE SUPERINTENDENT OF POLICE
SB(E)

7:BIJU DEV

Advocate for the Petitioner : MR. S J SARMAH

Advocate for the Respondent : MR. D NATH (ADDL. SR. GA, ASSAM)

BEFORE
HONOURABLE MR. JUSTICE MIR ALFAZ ALI

ORDER

Date : 26-11-2020

Heard Mr. S.J. Sarmah, learned counsel for the petitioners, Mr. S.R. Boruah, learned counsel for the respondent No 1, 3, 5 & 6, Mr. C. Baruah, learned Standing Counsel for the respondent No.1/Accountant General and Mr. S. Barman, learned counsel for the respondent No. 7.

2. Late Dilip Kumar Sarma, Assistant Sub-Inspector of Police died in harness on 15-01-2011. The present petitioners are the children from the side of second wife of the deceased employee Dilip Kumar Sarma and respondent No. 7 is his first wife. After the death of the said deceased Dilip Kumar Sarma, pension payment order was issued in favour of the first wife (respondent No. 7). Hence, this writ petition has been filed by the children of the second wife seeking share in the pension.

3. It is submitted by the learned for both the sides that the petitioner No. 1 has already attained majority and an amicable settlement has been arrived at between the petitioner No. 2, who is the minor daughter of the second wife, and the respondent No. 7 (the first wife), in whose favour the PPO has been issued.

4. It is agreed between the parties that the petitioners shall not contest the PPO issued in favour of the respondent No.7. However, the respondent No. 7 (first wife of Dilip Kumar Sarma) shall pay Rs. 5,000/- out of the pension to Priyonka Devi (petitioner No. 2) till she attains the age of 25 years or she is married, whichever is earlier. The said amount of Rs. 5,000/- shall be deposited in the bank account No. 20056839928 (SBI Matgaria Branch) of the mother of the respondent No. 2. The respondent No. 7 also agreed to pay an additional amount of Rs. 10,000/- to the petitioner No. 2.

5. The writ petition is accordingly disposed of in terms of the above settlement arrived at between the parties.

JUDGE

Comparing Assistant