GAHC020003472025 2025:GAU-NL:290

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

Case No. : WP(C)/111/2025

SMTI. IMCHAMONGLA
W/O LATE LANUTOBA AO - LANUTOBA AO, KHENSA VILLAGE,
MOKOKCHUNG NAGALAND

VERSUS

STATE OF NAGALAND AND 7 ORS
THROUGH THE CHIEF SECRETARY, NAGALAND KOHIMA

2:THE COMMISSIONER AND SECRETARY
P AND AR DEPT. NAGALAND KOHIMA

3:THE FINANCIAL COMMISSIONER
NAGALAND KOHIMA

4:THE COMMISSIONER AND SECRETARY
DEPT. OF SCHOOL EDUCATION
NAGALAND KOHIMA

5:THE PRINCIPAL DIRECTOR
SCHOOL EDUCATION
NAGALAND KOHIMA

6:THE SUB-DIVISIONAL EDUCATION OFFICER
WOKHA
NAGALAND

7:THE TREASURY OFFICER
MOKOKCHUNG NAGALAND

8:THE ACCOUNTANT GENERAL

NAGALAND KOHIM

Advocate for the Petitioner : I. IMTI LONGCHAR, MOANUKSUNG KICHU,OBANGNENLA LONGCHAR,VIKHONO KISO

Advocate for the Respondent : GOVT ADV NL,

BEFORE
HON'BLE MR. JUSTICE BUDI HABUNG

ORDER

Date : 26-06-2025

Heard Mr. I Imti Longchar, learned counsel for the petitioner. I have also heard Mr. Ajungli Sangtam, learned Government Advocate for the State respondent nos. 1 to 7.

2. The case of the petitioner is that her husband, late B. Lanutoba Ao @ Lanutoba Ao, was appointed as Lower Division Assistant (LDA) on 01.07.1969 in the scale of pay of Rs 140-5-170-EB-5-190-(EB)-6-220/- per month with all other allowances admissible from time to time in the Office of the Deputy Inspector of School (DIS), Mokokchung, Nagaland. He was then transferred to DIS, Wokha, but due to mental infirmity, he became unfit from January, 1986 and could not report for duty nor could appear before the Medical Board for examination of his invalidation and he ultimately expired on 15.05.2018 due to mental infirmity.

3. It is submitted that the petitioner's husband served the department for 17 years and 6 months. After his expiry, the petitioner made a representation on 12.01.2023, before the Principal Director, School Education, Nagaland, Kohima, and requested for grant of invalid pension

and family pension. However, the same was not considered. The petitioner approached the department for providing the service record of her late husband. However, she was informed that the service book of her late husband was untraceable, and the Department suggested the petitioner to report it to the police.

4. Accordingly, the petitioner filed an FIR before the Officer-in-Charge, Wokha Police Station on 22.08.2023 and requested for recovery of the service book of her late husband. However, the enquiry reveals that due to fire accident in the then office of the DIS, Wokha during the month of September, 1996, all official documents were burned down to ashes, and it could not be retrieved. In this regard, the Senior Sub-Divisional Officer, Wokha also issued a certificate on 25.08.2023, whereby it was acknowledged that the husband of the petitioner, late B. Lanutoba Ao served as a UDA under the establishment of the Senior Sub-Divisional Education Officer, Wokha, the then Deputy Inspector of Schools (DIS) during the mid 1980s. The certificate however stated that the actual period of service of the petitioner's husband in the said office could not be ascertained as the then DIS office was completely burnt down to ashes during the month of September, 1996 where all the official documents were also burnt.

5. On the basis of the FIR, the police also conducted inquiry and issued certificate acknowledging that the petitioner's husband served as a UDA under the establishment of DIS during the mid 1980s, however, the actual period of his service could not be ascertained because the then DIS office was completely burned down to ashes during the month of

September, 1996 where all the official documents were also burnt.

6. The learned counsel for the petitioner submits that although the department as well as the police have acknowledged that the petitioner's late husband was in the service in the mid-1980s, the representation submitted by the petitioner on 12.01.2023, before the Principal Director, School Education, Nagaland, Kohima for consideration of granting invalid pension and family pension has not yet been considered.

7. By this writ petition filed under Article 226 of the Constitution of India, the petitioner seeks for a direction to the respondent authorities to pay invalid pension of her husband, late B. Lanutoba Ao @ Lanutoba Ao from the month of January, 1986 till his death on 15.05.2018, and also to pay family pension to the petitioner from 16.05.2018.

8. However, at this stage, the learned counsel for the petitioner submits that he has a limited prayer since the representation submitted by the petitioner on 12.01.2023, before the Principal Director, School Education, Nagaland, Kohima, has not yet been considered, this writ petition may be disposed of with a direction to the respondent authorities to dispose of her representation with a speaking order.

9. Mr. Ajungli Sangtam, learned Government Advocate for the State respondent nos. 1 to 7 fairly submits that since the petitioner has a limited prayer to the extend to dispose of the representation submitted by her on 12.01.2023, the matter may be disposed of with the direction to dispose of the same.

10. In view of the above and as agreed upon by the parties, this writ petition is disposed of at the motion stage itself with a direction to the respondent authorities, more particularly the respondent no. 5, Principal Director, School Education, Nagaland, Kohima to dispose of the representation submitted by the petitioner on 12.01.2023 for granting invalid pension and family pension with a speaking order within a period of 3 (three) months from the date of receipt of a certified copy of this order.

11. With the above, this writ petition stands disposed of.

JUDGE

Comparing Assistant