GAHC040014492026

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

Case No. : WP(C)/418/2026

Smti Tadar Yaju
Wife of Late Tadar Tache, permanent resident of Village Balijan near Shiv Mandir, Forest Colony, PO and PS Balijan, Papum Pare District, Arunachal Pradesh.

VERSUS

The State of AP and 3 Ors
represented by the Chief Secretary, Govt of Arunachal Pradesh. 2:The Principal Secretary
Age: 0
Occupation :
Department of Environment
Forest and Climate Change
Govt of Arunachal Pradesh.

3:The District Forest Officer
Age: 0
Occupation :
Banderdewa Forest Division
Papum PAre District
Arunachal Pradesh.

4:The Range Forest Officer
Age: 0
Occupation :
Balijan
Papum Pare District
Arunachal Pradesh

Advocate for the Petitioner : Khoda Tama, Tadu Lampung,Khoda Yubey,Radhe Sumpa,Tasso Dodung,Jambey Tsering,Hinti Jeram

Advocate for the Respondent : GA (AP),

BEFORE
HONOURABLE MR. JUSTICE KARDAK ETE

ORDER

Date : 09.11.2026

Heard Mr. J. Tsering, learned counsel for the petitioner. Also heard Ms. G. Ete, learned Additional Senior Government Advocate for the State respondents.

2. Challenge made in this writ petition is to the communication dated 01.07.2025, issued by the Divisional Forest Officer, Banderdewa Forest Division, whereby the No Objection Certificate (NOC) sought for by the petitioner for processing the pension and other retiral benefits, including family pension, in respect of her deceased husband, Late Tadar Tache, Ex-Forest Watcher, who had died while in service on 28.10.2022, has been refused.

3. The deceased husband of the petitioner, Late Tadar Tache, while working as Forest Watcher in the Office of the Divisional Forest Officer, Banderdewa Forest Division, Papum Pare District, Arunachal Pradesh, had expired on 28.10.2022 and was due to retire from service on 30.04.2024. Following the demise of her late husband, the petitioner applied for payment of pension and other retiral benefits, including family pension.

4. The State of Arunachal Pradesh has issued an Office Memorandum whereby a requirement is provided for obtaining No Objection Certificate (NOC) for grant of pension, including family pension and other retiral benefits, to the employees. Such NOC is required to be issued by the concerned authorities after ascertaining whether there has been any encroachment upon Government land.

In the present case, the respondent authorities had issued a notice to the son of the petitioner alleging encroachment upon Government land/public premises at Balijan Forest Range and directing him to vacate the said land. It is projected that the son of the petitioner has not vacated the land despite issuance of the said notice.

5. It is the case of the petitioner that neither her deceased husband nor any of the family members had encroached upon any Government land. Rather, they were temporarily residing at the said place due to non-allotment of Government accommodation to her deceased husband during his service.

6. Mr. J. Tsering , learned counsel for the petitioner, while not commenting on the issue as to whether the deceased husband of the petitioner or any of his family members had encroached upon any Government land or public premises, submits that the issue as regards the issuance of NOC to the retired employees or his or her family members for the purpose of processing pension and other retiral benefits, including family pension, is no longer *res integra* as this Court had in earlier writ petitions, including the order dated 07.09.2016, passed in WP(C) No. 476(AP)/2016, has held that an NOC cannot not be denied to an employee on the ground of alleged encroachment upon Government land by his or her family members. Therefore, he submits that the respondent authorities cannot rely upon the aforesaid Office Memorandum to deny the petitioner the NOC required for processing her family pension and other retiral benefits.

7. Ms. G. Ete, learned Additional Senior Government Advocate, fairly submits that in view of the law already settled by this Court in the earlier writ petitions, including WP(C) No. 476(AP)/2016, the petitioner is entitled to be granted NOC

irrespective of the Office Memorandum which empowers the authorities not to grant such NOC if the retired employee has encroached the Government land or public premises.

8. Considered the submissions of learned counsel for the parties and also perused the orders passed by the Co-ordinate Benches of this Court in the earlier writ petitions involving the same issue, including WP(C) No. 476(AP)/2016 and WP(C) No. 08(AP)/2024.

9. Having considered that the issue relating to the requirement of issuance of NOC for processing pension and other retiral benefits has already been dealt with by the Co-ordinate Benches of this Court by order dated 07.09.2016, passed in WP(C) No. 476(AP)/2016, and subsequently by order dated 23.01.2026, passed in WP(C) No. 08(AP)/2024, I am of the considered view that the issue as regards the grant or refusal of NOC to an employee or his or her dependent family members for the purpose of processing pension and other retiral benefits is no longer *res integra*.

10. In view of above, the present writ petition is disposed of by interfering with the impugned action of the respondent authorities in refusing to issue NOC to the petitioner, thereby preventing her from receiving family pension and other retiral benefits in respect of her deceased husband, Late Tadar Tache. Accordingly, the impugned communication dated 01.07.2025, issued by the Divisional Forest Officer, Banderdewa Forest Division, is hereby set aside and quashed.

11. Consequently, the respondent authorities are directed to issue the

requisite NOC to the petitioner within a period of 3 (three) weeks from today, so as to enable her to process her claim for family pension and other admissible retiral benefits in accordance with law.

12. Writ petition stands disposed of.

JUDGE

Comparing Assistant