GAHC010021712024

2026:GAU-AS:16172

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

Case No. : WP(C)/725/2024

SAJIDA AHMED
W/O- LT ABDUR RAHIM AHMED, VILL AND P.O. KAMALPUR, P.S. BARPETA, DIST.- BARPETA ASSAM

VERSUS

THE STATE OF ASSAM AND 6 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF ASSAM, SKILL EMPLOYMENT AND ENTREPRENEURSHIP DEPARTMENT, DISPUR, GUWAHATI-06

2:THE DIRECTOR OF EMPLOYMENT AND CRAFTSMEN TRAINING
ASSAM
REHABARI
GUWAHATI-08

3:THE PRINCIPAL ACCOUNTANT GENERAL (A AND E)
ASSAM
MOIDAMGAON
BELTOLA
GUWAHATI-29

4:THE DIRECTOR OF PENSION
ASSAM
HOUSEFED COMPLEX
DISPUR
GUWAHATI-06

5:THE SECRETARY TO THE GOVERNMENT OF ASSAM
FINANCE DEPARTMENT
DISPUR
GUWAHATI-06

6:THE SUPERINTENDENT OF INDUSTRIAL TRAINING INSTITUTE
GOALPARA
P.O. BALADMARI
P.S. GOALPARA
DISTRICT- GOALPARA
ASSAM
PIN- 783121

7:THE TREASURY OFFICER
BARPETA
P.O. AND P.S. BARPETA
DISTRICT- BARPETA
ASSAM
PIN- 78130

Advocate for the Petitioner : MR. S ISLAM, MR A HAWARI

Advocate for the Respondent : SC, FINANCE, SC, EMPLOYMENT AND CRAFTSMAN TRAINING,SC, AG,GA, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

Date : 04.11.2026

Heard Mr. S. Islam, the learned counsel for the petitioner and Mr. T. Chutia, the learned Additional Senior Government Adovcate and Mr. R. K. Talukdar, learned Standing Counsel for Accountant General (A&E), Assam and Mr. S. P. Das, learned counsel appearing for respondent No.1, 2 and 6.

2. By this application, filed under Article 226 of the Constitution of India, the petitioner has raised his grievance of non-payment of pension amount along with non-release of gratuity, leave encashment and other pensionary benefits in favour of the petitioner.

3. It is the case of the petitioner that her husband was appointed as junior

Apprenticeship Advisor in the Department of Employment & Craftsman Training, Assam by order dated 26.09.1998, and that by subsequent order dated 04.10.2008, he was promoted to the post of Superintendent of Industrial Training Institute and was posted at Goalpara against the existing vacancy and he joined his duties there. However, it is stated by the petitioner that during the service tenure, her husband died in harness on 02.01.2015, leaving behind the petitioner and two minor children.

4. It is the further case of the petitioner that, she approached the respondent authorities for release of the pensionary benefits of her deceased husband who had worked for a total period of 16 years, 2 months and 21 days under the Government of Assam. She further submits that, the respondent authorities did not respond to her prayer and pensionary benefits were not released to the petitioner and that aggrieved by the same, she approached this court by filing a writ petition being WP(C) No. 5557 of 2018, and this court vide order dated 22.01.2019, allowed the state respondents to recover Rs. 32, 00, 000/- (Rupees Thirty two lakhs) from the personal account of the petitioner's deceased husband as he was found involved in the said misappropriation. The learned court further directed the respondent authorities to thereafter release all pensionary benefits due to the petitioner within a time frame.

5. The petitioner further stated that, the respondent authorities had recovered the said amount of Rs. 32, 00, 000/- (Rupees Thirty two lakhs) from the personal bank account of her deceased husband but the pensionary benefits were not released to her and that on 25.03.2019, she again submitted a representation before the director of the said department but having not received any positive response, the petitioner again filed a writ petition being

WP(C) No. 2594 of 2019, with the same prayer and this court vide order dated 29.04.2019, directed the respondent authorities to do the needful after verification of the records and release the pensionary benefits. Against the said order, the respondent department filed a review application which was dismissed by this court by order dated 22.01.2019.

6. The petitioner further stated that, even after the said orders by this court, she was not paid the pensionary benefits and as such, she filed a contempt application and this court by order dated 06.12.2021, closed the said contempt case on the basis of a communication issued by the department that pension papers of the petitioner has been forwarded.

7. The learned counsel for the petitioner submits that, till date no pension was paid to the petitioner being the wife of the deceased employee neither the other pensionary benefits including the gratuity as well as leave encashment were paid to her. Today, when the matter is called up, the learned advocate for Accountant General, Mr. R. K. Talukdar, has placed an instruction dated 02.11.2026, by which the Senior Accountant Officer of the office of the Principal Accountant General, (A&E), Assam had intimated to the Treasury Officer, Barpeta, that the Family Pension Payment Order No. 901514346747, has been issued in favor of the petitioner for payment of the sum of money as has been stated in the said instruction. It is also stipulated that normal family pension is allowed to the petitioner and a request was made that the pensioner's portion of the order may be made over to her after obtaining her signature on the disbursed portion. It was also stated that, after satisfaction of her identity the payments be released.

8. The learned counsel for the Accountant General also submits that, copy of the said instruction was also given to the petitioner as is reflected from the instruction itself. As such, it is seen that the grievance of the petitioner is met, as the same is also conceded by the learned counsel for the petitioner. With regard to the other prayers for payment of gratuity and leave encashment and other pensionary benefits, it is needless to mention that the same are consequential benefits and would be paid according to the eligibility of the petitioner in due course of time.

9. With the above observations, the petition is closed.

10. The petitioner is further given the liberty to approach this court on a further cause of action, if any arises in future.

11. The petition is disposed of.

12. The instruction placed by the learned counsel is made part of the record.

JUDGE

Comparing Assistant