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

Case No. : WP(C)/3036/2024

KANIKA DEKA MAZUMDAR
WIFE OF LATE BIMAL MAZUMDAR, VILL. - MAJDIA, P.O. MUGKUCHI, P.S. NALBARI, PIN- 781334, DIST.- NALBARI, ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS
NOTICE THROUGH THE SECRETARY TO THE GOVERNMENT OF ASSAM, HEALTH AND FAMILY WELFARE (A) DEPARTMENT, DISPUR

2:DIRECTOR OF HEALTH SERVICES
ASSAM
HENGRABARI
GUWAHATI-36

3:JOINT DIRECTOR OF HEALTH SERVICE
BAKSA
MUSHALPUR
BTAD

4:ACCOUNTANT GENERAL (A AND E)
ASSAM
MAIDAMGAON
BELTOLA
GUWAHATI-29
ASSAM

5:DIRECTOR OF AYUSH
ASSAM
BANPHUL NAGAR
DISPUR
GUWAHATI-0

Advocate for the Petitioner : MR D CHOUDHURY, MR S DIFUSA

Advocate for the Respondent : SC, HEALTH, SC, BTC,SC, AG (A AND E)

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

05.11.2026

Heard Shri D. Choudhury, learned counsel for the petitioner. Also heard Ms. S. Sarma, learned Standing Counsel, Health Department, Shri B. Chakraborty, learned Standing Counsel, Accountant General and Ms. B. Bora, learned Standing Counsel, BTC.

The matter pertains to a claim for family pension on the basis of revised scale of pay as per ROP, 2006 and also the leave encashment benefits.

The facts in brief are that the husband of the petitioner, Bimal Mazumdar, was serving as a Medical Officer (Ayush) in the Office of the Angardhowa, MPHC in the district of Baksa. He had superannuated from service on 07.12.2009 and was receiving pension. However, after his death, the family pension has not been paid in the revised scale. Accordingly, the instant writ petition was filed.

Pursuant to a series of orders passed in this proceeding, Shri Chakraborty, the learned Standing Counsel, AG has placed on record a communication dated 06.10.2026 issued by the Senior Accounts Officer, Office of the Accountant General, Assam to the Treasury Officer, Nalbari as per which the enhanced family pension has been granted. The said communication also gives a detail of the other aspects of post retirement benefits.

At this stage, Shri Choudhury, the learned counsel for the petitioner has submitted that though in principle, he will not object to the closure of the writ petition based on the communication dated 08.10.2026, the other aspect of the leave encashment being paid at the revised rate would still remain unredressed.

Ms. Sarma, the learned Standing Counsel has informed that the Service Book of the petitioner has been sent to the Joint Director of Health Services, Baksa.

After hearing the learned counsel for the parties, this Court is of the opinion that since the major issue pertaining to payment of pension at the revised scale has been redressed vide the aforesaid communication, the writ petition can be closed with a further direction that the aspect of the claim for leave encashment at the revised scale be considered and examined by the authorities of the BTC and pass a speaking order. The aforesaid exercise be done within a period of 2 (two) months from today.

Writ petition accordingly stands disposed of.

The copy of the communication dated 06.10.2026 is made part of the records.

JUDGE

Comparing Assistant