GAHC010126262026

2026:GAU-AS:16174

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

Case No. : WP(C)/3374/2026

MOFIDA KHATUN
W/O LT. NASIR UDDIN MIA, R/O VILL.- CHOTA GIRAIRPAR, P.O. BARKANDA, DIST- DHUBRI, ASSAM, PIN- 783348.

VERSUS

THE STATE OF ASSAM AND 6 ORS
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO THE GOVT. OF ASSAM, AGRICULTURE DEPARTMENT, DISPUR, GHY-6.

2:THE DIRECTOR OF AGRICULTURE
ASSAM
KHANAPARA
GHY 22

3:THE DISTRICT AGRICULTURE OFFICER
DHUBRI
ASSAM

4:THE ACCOUNTANT GENERAL (A AND E)
ASSAM
MAIDAMGAON
BELTOLA
GHY- 29.

5:THE TREASURY OFFICER
DHUBRI
ASSAM
PIN- 783301.

6:THE CHIEF MANAGER
CENTRALIZED PENSION PROCESSING CENTRE

(CPPC)
STATE BANK OF INDIA
SUBHAM GREEN
3RD FLOOR
LOKHRA CHARIALI
NH- 37
GHY- 40.

7:THE CHIEF MANAGER
STATE BANK OF INDIA
BILASIPARA BRANCH
P.O.-BILASIPARA
DIST- DHUBRI
ASSAM
PIN- 783348

Advocate for the Petitioner : MD H R AHMED, MR A MALEK

Advocate for the Respondent : SC. AGRICULTURE, MR K KASHYAB(R6,7),MR. A. CHALIHA, SC, FINANCE,SC, AG

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

04.11.2026

1. Heard Mr. H.R. Ahmed, learned counsel appearing for the petitioner. Also heard Mr. A. Chaliha, learned Standing Counsel, Treasury Officer, Dhubri appearing for the respondent No.5; Mr. B. Sharma, learned Standing Counsel, Accountant General appearing for the respondent No.4; Mr. S. Dutta, learned counsel appearing for the respondent Nos. 6 & 7 and Mr. G. Bora, learned counsel appearing for the respondent Nos. 1, 2 & 3.

2. By this application filed under Article 226 of the Constitution of India, the petitioner has raised a grievance regarding non-payment of her pensionary benefits, she being the second wife of the deceased Government employee Late Nasir Uddin Mia.

3. The case of the petitioner is that her husband was serving as an Assistant Agricultural Inspector in the Agriculture Department and was posted in the district of Dhubri. He retired from service on 31.12.2006 after which pension was disbursed to him with effect from 01.01.2007 vide PPO No. 906201001203.

4. The petitioner further states that her husband died on 09.10.2020 and that his first wife had predeceased him. She claims to be the second wife and the only surviving widow of the deceased Government employee. It is further stated that following the demise of his first wife, the deceased employee had submitted an application seeking incorporation of the petitioner's name in his Pension Payment Order (PPO). In this regard, vide letter dated 14.07.2008 the Assistant Accounts Officer had requested the Treasury Officer to incorporate the petitioner's name in the said PPO. The petitioner further claims that her name was accordingly incorporated in the Pension Payment Order of her late husband.

5. However, the petitioner submits that following the death of her husband, she approached the respondent authorities seeking disbursement of family pension. Although the matter was processed, the proposal was returned by the Chief Manager of the Centralized Pension Processing Centre vide communication dated 11.11.2021 pointing out certain discrepancies in the proposal and requesting that the same be rectified.

6. The learned counsel appearing for the petitioner submits that thereafter the bank authorities vide letter dated 15.12.2022 forwarded the communication issued by the Chief Manager of the Centralized Pension Processing Centre to the Treasury Officer for necessary action.

7. The learned counsel further submits that under Mohammedan Law, the petitioner is entitled to receive the family pension of her deceased husband. It is

also contended that the petitioner is entitled to the said benefit in terms of Rule 143 of the Assam Services (Pension) Rules, 1969.

8. The learned counsel appearing for the Bank submits that the necessary rectification in the other half of the Pension Payment Order (PPO) can be carried out by the Treasury Officer. He further submits that the Treasury Officer may requisition the relevant half of the PPO from the Bank authorities and after carrying out the necessary corrections return the same to the Bank authorities. Upon receipt of the duly corrected PPO, the Bank authorities shall process the petitioner's claim for payment of family pension.

9. Mr. A. Chaliha, learned Standing Counsel appearing for the Treasury Officer, Dhubri however submits that the Accounts Officer may also take the necessary steps for rectification of the relevant halves of the PPO.

10. In response, Mr. B. Sharma submits that the Accounts Officer had already taken the necessary steps by issuing the letter dated 14.07.2008 whereby the Treasury Officer was requested to incorporate the name of the petitioner in both the halves of the PPO along with her signature.

11. It is therefore seen that the only exercise required to be undertaken is the rectification of the second half of the PPO by the Treasury Officer which would enable the petitioner to draw her family pension.

12. Accordingly, the Treasury Officer is directed to requisition the second half of the PPO from the Bank authorities, i.e., respondent No. 7. Thereafter, in terms of the directions issued by the Senior Accounts Officer, Office of the Accountant General (A&E), Assam the Treasury Officer shall carry out the necessary rectification in the said half of the PPO by incorporating the name of the petitioner along with her signature and photograph and upon completion of the

rectification forward the same to the Bank authorities.

13. It is further directed that upon receipt of the duly corrected half of the PPO, the Bank authorities shall release the family pension admissible to the petitioner along with the arrears thereof.

14. The aforesaid exercise shall be completed by the Treasury Officer as well as the Bank authorities within a period of 2 (two) months from the date of this order.

15. With the above observations and directions, the writ petition stands disposed of.

JUDGE

Comparing Assistant