

WP(C) 725/2010

BEFORE

THE HON'BLE MR. JUSTICE IA ANSARI

Heard Mr. DC Chakraborty, learned counsel for the petitioners, and Ms. R Deka, learned Standing Counsel, PWD, Government of Assam, appearing on behalf of the respondent Nos. 1, 3, 4 and 5. Heard also Ms. A Verma, learned Standing Counsel, Finance Department, Government of Assam, for the respondent Nos. 2, 6 and 7, and Mr. D Barua, learned counsel, for respondent Nos. 8 and 9. None has appeared on behalf of the respondent No. 10.

While serving as worked charged Chowkidar, the father of the present petitioner, namely, Gopesh Bhattacharjee, died-in-harness, on 23-03-1998. As the family pension for the death of her husband had not been made available to the widow of Late Gopesh Bhattacharjee, namely, Pratima Bhattacharjee, though he had put in service for a period of 27 years, she filed a writ petition, which gave rise to WP(C) No. 2384/2007, seeking appropriate direction(s) from the Court to be issued, in this regard, to the respondents herein. By order, dated 21-05-2008, the writ petition was disposed of with a direction to the respondents/authorities concerned to take appropriate action expeditiously for making pension available to the said Pratima Bhattacharjee. By order, dated 25-05-2009, the service of Late Gopesh Bhattacharjee was accordingly regularized for the purpose of enabling his widow to receive pension. However, as no pension was still made available to the said Pratima Bhattacharjee, she instituted a contempt proceeding, which gave rise to Contempt Case No. 132/2009. By order, dated 30-10-2009, the said proceeding was closed. Pratima Bhattacharjee aforementioned, then, made an application, on 18-11-2009, to the respondent No. 8, namely, the Accountant General, (A&E), Assam, with a copy addressed to the respondent No. 1, namely, Commissioner and Secretary to the Government of Assam, Public Works Department, Guwahati, whereupon the respondent No. 1 issued a letter, dated 21-12-2009, addressed to the respondent No. 8, namely, the Accountant General, (A&E), Assam, conveying to the respondent No. 8 to the effect that the papers, relating to family pension of the said Pratima Bhattacharjee, had already been forwarded by a letter, dated 09-11-2009, issued by the respondent No. 1 with a request the respondent No. 8 to dispose of the matter at the earliest. As, however, the respondent No. 8 did not take any action on the papers, which had been forwarded to him in order to enable Pratima Bhattacharjee, receive family pension, she filed the present writ petition seeking appropriate direction to be issued to the respondents, particularly, respondent Nos. 8 and 9, namely, The Accountant General, (A&E), Assam, and The Senior Accounts Officer (Pen.3 Section) Office of the Accountant General, (A&E), Assam, respectively. Unfortunately, however, Pratima Bhattacharjee died, on 03-03-2010, without receiving family pension. The present petitioners, who are the legal representatives of deceased Pratima Bhattacharjee, has accordingly been substituted in her place, in this writ petition, by virtue of an order, dated 06-05-2010, passed in Miscellaneous Case No. 1366 of 2010. It is in the backdrop of these facts that this writ petition has come up for admission.

Upon perusal of the materials on record and on hearing the learned counsel for the parties concerned, this Court is of the view that in the facts and circumstances of the present case, there is no justification, on the part of the respondents, particularly, respondent Nos. 8 and 9, for not making available to the present petitioners, as legal representatives of the said Pratima Bhattacharjee, the amount, which was payable to the said Pratima Bhattacharjee as family pension.

In view of the above and in the interest of justice, this writ petition is disposed of with direction to the respondents, particularly, respondent Nos. 8 and 9, to make available, to the present petitioners, the amount, which ought to have been made available by the respondents to the said Pratima Bhattacharjee. The whole exercise, so directed, shall be completed within a period of two months from the date of receipt of a copy of this order by the respondent No. 8, namely, The Accountant General, (A&E), Assam, Beltola, Guwahati. The petitioner may furnish to the respondent No. 8 a certified copy of this order along with copy of the writ petition and annexures thereto.

Furnish a copy of this order to the learned counsel for the respondent Nos. 8 and 9.