

GAHC010181342021



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

Case No. : WP(C)/5863/2021

BIBI DEKA
D/O LATE KHUDI RAM DEKA
RESIDENT OF NIZARAPAR, PO AND PS JAGIROAD, DIST MORIGAON,
ASSAM

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM REVENUE AND DISASTER MANAGEMENT DEPARTMENT,
DISPUR GUWAHATI 06

2:THE SECRETARY COMMISSIONER

FINANCE DEPARTMENT
GOVT. OF ASSAM
DISPUR GUWAHATI

3:THE DEPUTY COMMISSIONER

MORIGAON. ASSAM

4:THE ACCOUNTANT GENERAL
ASSAM (A AND E)
MAIDAMGAON
GUWAHATI

5:THE CIRCLE OFFICER
MORIGAON REVENUE CIRCLE
MORIGAON
ASSA

Advocate for the Petitioner : MR. P J SAIKIA, MS D DUTTA

Advocate for the Respondent : GA, ASSAM, SC, AG,SC, REVENUE,SC, FINANCE

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

Date : 30.09.2024

Heard Mr. P. J. Saikia, learned counsel for the petitioner. Also heard Ms. M. Bhattacharjee, learned Additional Senior Government Advocate for the State respondent, Mr. S. Dutta, learned Standing Counsel for Revenue Department, Ms. H. Baruah, learned counsel on behalf of Mr. P. Nayak, learned Standing Counsel for Finance Department and Mr. R. K. Talukdar, learned Standing Counsel, AG.

By way of this petition under Article 226 of the Constitution of India, the petitioner is seeking a direction to the respondents to provide family pension entitled to the petitioner being an unmarried daughter of Late. Khudi Ram Deka, ex Mandal as per Assam Services (Pension) Rules, 1969 and amendment made under it with effect from 19.01.2014 when mother of the petitioner Kakili Deka expired while receiving pension of her deceased father.

Mr. Saikia, learned counsel for the petitioner submits that since the claim of the family pension was not being given to the petitioner upon the demise of her mother, the present writ petition was filed.

Ms. M. Bhattacharjee, learned Additional Senior Government Advocate submits that as per the insturcitons received, due to want of

necessary enclosures and details in the representation filed by the petitioner, the same could not be considered. However, she submits that if the necessary particulars are available, there is no impediment for the respondent authorities to consider the case of the petitioner.

However, Mr. Saikia, learned counsel for the petitioner further submits that the petitioner has in the meantime submitted a representation enclosing all the necessary documents and particulars.

In view of the aforesaid endorsement made by the learned counsel for the parties, this Court deems appropriate to dispose of this writ petition with direction that if the representation of the petitioner is received for grant of family pension along with all the necessary particulars and details, the same shall be proceeded in accordance with law.

It is needless to clarify that the entire exercise shall be completed by the respondents within a period of 3 (three) months from the date of receipt of the certified copy of the order.

Disposed of.

JUDGE

Comparing Assistant