

GAHC010003532026



undefined

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

**Case No. : WP(C)/357/2026**

SMTI NIRU PAMA BORBORAH  
W/O- LATE DAMBARU DUTTA, D/O- LATE KULA BORBORAH, R/O- VILL-  
AMULAPATTY, P.O. AND P.S. DHAKUAKHANA, DISTRICT- LAKHIMPUR,  
ASSAM- 787055.

VERSUS

THE STATE OF ASSAM AND 7 ORS  
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE  
GOVERNMENT OF ASSAM, REVENUE DEPARTMENT, DISPUR, GUWAHATI,  
ASSAM- 781006.

2:THE COMMISSIONER AND SECRETARY  
TO THE GOVERNMENT OF ASSAM  
PENSION AND PUBLIC GRIEVANCES DEPARTMENT  
DISPUR  
GUWAHATI  
ASSAM-781006.

3:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF  
ASSAM  
PENSION AND PUBLIC GRIEVANCES DEPARTMENT  
DISPUR  
GUWAHATI  
ASSAM-781006.

4:THE ACCOUNTANT GENERAL (A AND E)  
ASSAM  
BELTALA  
GUWAHATI  
ASSAM-781029.

5:THE DISTRICT COMMISSIONER  
LAKHIMPUR

P.O.  
P.S. AND DIST. LAKHIMPUR  
ASSAM-787053.

6:THE CIRCLE OFFICER  
SUBANSIRI REVENUE CIRCLE  
P.O. AND P.S. GHILAMARA  
DIST. NORTH LAKHIMPUR  
ASSAM-787053.

7:THE TREASURY OFFICER  
NORTH LAKHIMPUR  
ASSAM-787001.

8:SMTI RINA DUTTA  
R/O- VILL.- MAINAPARA  
P.O. AND P.S. GHILAMARA  
DIST. LAKHIMPUR  
ASSAM-787053

For the Petitioner(s) : Mr. B. D. Konwar, Sr. Advocate  
: Ms. B. Soren, Advocate

For the Respondent(s) : Mr. J. Handique, Government Advocate  
: Mr. D. Borah, Standing Counsel  
: Mr. B. Chakraborty, Standing Counsel  
: Mr. P. Nayak, Addl. AG, Assam  
: Mr. K. R. Patgiri, Advocate

**BEFORE**  
**HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

**ORDER**

**Date : 30.01.2026**

Issue notice making it returnable on 25.02.2026.

2. Mr. J. Handique, the learned Government Advocate accepts notice on behalf of the Respondent No.1; Mr. D. Borah, the learned Standing counsel accepts notice on behalf of the Respondent Nos. 3, 5 and 6; Mr. B. Chakraborty, the learned Standing counsel accepts notice on behalf of

the Respondent No.4; Mr. P. Nayak, the learned Additional Advocate General accepts notice on behalf of the Respondent Nos. 2 and 7, and Mr. K. R. Patgiri, the learned counsel accepts notice on behalf of the Respondent No.8.

3. As all the Respondents are duly represented by their respective learned counsels, extra copies of the writ petition be served upon them during the course of the day.

4. The case of the Petitioner herein is that the Petitioner is the wife of Late Dambaru Dutta who expired on 27.01.2025. It is the further case of the Petitioner that although there is a divorce decree but the said divorce decree was obtained ex-parte behind the back of the Petitioner and as such, the Petitioner is entitled to the family pension.

5. This Court also takes note of that the Respondent No.8 has also filed a writ petition being WP(C) No.4205/2025 claiming that she is entitled to the family pension on account of the death of her husband Late Dambaru Dutta whom she married after the divorce.

6. Taking into account the above, the Respondents are directed to bring on record their stand by filing their affidavits on or before 18.02.2026.

7. Liberty given to the Petitioner to file reply on or before 24.02.2026.

8. List accordingly.

**JUDGE**

**Comparing Assistant**