

GAHC010005812021



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

Case No. : WP(C)/213/2021

CHAYA RANI DAS
W/O LATE MONILAL DAS
RESIDENT OF COUNCIL PWD COLONY, HAFLONG TOWN, PS HAFLONG,
DIST DIMA HASAO, ASSAM, 788819

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE UNDER SECRETARY TO THE GOVT. OF ASSAM,
PUBLIC WORKS DEPARTMENT, HAFLONG BUILDING DIVISION, ASSAM,
DISPUR, GUWAHATI 06

2:THE EXECUTIVE ENGINEER
PUBLIC WORKS DEPARTMENT
HAFLONG BUILDING DIVISION
HAFLONG
DIMA HASAO ASSAM

3:THE ASSISTANT EXECUTIVE ENGINEER

PUBLIC WORKS DEPARTMENT
HAFLONG BUILDING SUB DIVISION
HAFLONG
DIMA HASAO ASSAM

4:JUNIOR ENGINEER

PUBLIC WORKS DEPARTMENT
HAFLONG BUILDING DIVISION
HAFLONG
DIMA HASAO ASSAM

5:THE PRINCIPAL ACCOUNTANT GENERAL (A AND E)
ASSAM
MAIDAMGAON
BELTOLA
GUWAHATI
ASSAM

6:THE COMMISSIONER AND SECRETARY TO THE GOVT.OF ASSAM
FINANCE DEPARTMENT
ASSAM
DISPUR
GUWAHATI-6

7:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
PENSION AND PUBLIC GRIEVANCES DEPARTMENT
DISPUR
GUWAHATI-

Advocate for the Petitioner : MR. N SARKAR

Advocate for the Respondent : SC, PWD

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 19/12/2022

Heard Mr. N. Sarkar, the learned counsel appearing on behalf of the petitioner, Mr. P. Nayak, the learned standing counsel for the Finance Department, Mr. A. Hassan, the learned counsel appearing on behalf of the Accountant General and Ms. A. Talukdar, the learned counsel appearing on behalf of the Pension Department, Government of Assam.

Mr. N. Sarkar, the learned counsel appearing on behalf of the petitioner submitted that taking into account the various Office Memorandums issued as well as the judgment of this Court in the case of **Sanjita Roy Vs. State of Assam** reported in **2019 (2) GLT 805**, the husband of the petitioner who had rendered his continuous service since February,1988 as a muster roll worker and thereupon his service was

regularized on 23/5/2003 but unfortunately expired on 25/6/2003 would be entitled to the benefit under Rule 140 of the Assam (Pension) Rules, 1969. In that regard, he submitted that the Coordinate Bench of this Court had also passed an order dated 18/7/2022 in W.P.(C) No. 291/2021 granting similar benefits to similarly situated persons and submitted that the petitioner be granted the similar relief.

On the other hand, Mr. P. Nayak, the learned standing counsel submitted that the husband of the petitioner worked only for one month as a regular employee and as such by virtue of Rule 140 of the Rules of 1969 which requires a minimum period of one year, the petitioner herein is not entitled to family pension. He submitted that there are various other order also passed by this Court which are contrary to the order dated 18/7/2022 passed in W.P.(C) No. 291/2021 wherein he had appeared and submitted that he would produce such orders on the next date.

Accordingly, let the matter be listed again on 20/01/2023 for further consideration.

JUDGE

Comparing Assistant