

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
ASSA

Advocate for the Petitioner : MR. N SARKAR

Advocate for the Respondent : SC, PWD

BEFORE
THE HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY
ORDER

21.12.2021

The petitioner's husband, who was muster roll worker, served the PWD (Building) Department from February, 1988 till his death on 25.06.2003. His service was regularized with effect from 23.05.2003. The family pension claimed by the petitioner has been rejected by the Accountant General (A&E) on the ground that the deceased husband of the petitioner was regularized in service with effect from 23.05.2003 and expired on 25.06.2003 and he had only qualifying service for pension for one month four days. Accordingly, the Accountant General (A&E), as per Rule 140 of the Assam Services Pension Rules, 1969 rejected the claim of the petitioner as the deceased husband of the petitioner was not having minimum one year qualifying service as required.

Countering such submission, Mr. Sarkar submits that as per Rule 142 of Pension Rule, the petitioner is still entitled for family pension. At this stage, the learned standing counsel for the Accountant General (A&E) submits that he will

file the necessary affidavit in this regard.

The respondent Nos. 2,3 and 4 have already filed affidavit. Since it is a claim of family pension and it is pending from since 2003, the Accountant General (A&E) will file its affidavit by next two weeks. Thereafter, the learned counsel for the petitioner may also file his rejoinder affidavit.

List the matter on 20.01.2022. An endeavor shall be made on that day to dispose of the writ petition.

JUDGE

Comparing Assistant