

GAHC010008242024



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

Case No. : WP(C)/230/2024

MACHUMA KHATUN
DAUGHTER OF- LATE ABDUL KHALEK KHAN,
RESIDENT OF VILLAGE- KAIMARI PT-III,
P.O.- KAIMARI, DISTRICT- DHUBRI,
ASSAM, PIN- 783335.

VERSUS

THE STATE OF ASSAM AND 6 ORS
TO BE REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF
ASSAM,
DEPARTMENT OF SCHOOL (ELEMENTARY) EDUCATION,
JANATA BHAWAN (ASSAM SECRETARIAT COMPLEX)
DISPUR, GUWAHATI- 781006.

2:PRINCIPAL SECRETARY TO THE GOVERNMENT OF ASSAM
FINANCE DEPARTMENT
JANATA BHAWAN (ASSAM SECRETARIAT COMPLEX)

DISPUR
GUWAHATI- 781006.

3:COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
PENSION AND PUBLIC GRIEVANCES DEPARTMENT
JANATA BHAWAN (ASSAM SECRETARIAT COMPLEX)

DISPUR
GUWAHATI- 781006.

4:THE DIRECTOR OF ELEMENTARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI- 781019.

5:THE DISTRICT ELEMENTARY EDUCATION OFFICER

DHUBRI.

6:THE DIRECTOR OF PENSION

BANPHOOL NAGAR
DISPUR

BASISTHAPUR
GUWAHATI- 781006.

7:THE TREASURY OFFICER
DHUBRI TREASURY
DHUBRI- 783301

Advocate for the Petitioner : MR. A R BHUYAN
Advocate for the Respondent : SC, ELEM. EDU

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 16.02.2024

Heard Mr. A. R. Bhuiyan, learned counsel for the petitioner.

Mr. S.M.T. Chistie, learned standing counsel, Elementary Education Department, on instructions, submits that the matter pertaining to the release of the family pension/compassionate family pension is under process with the departmental authorities.

As projected in the writ petition, the petitioner is the unmarried daughter of the deceased employee and although she was authorized a family pension but the same was subsequently kept in abeyance on the ground that she had attained the age of 21 years as on 07.04.2017 i.e. before the death of the deceased employee.

The provisions of Rule 143 of the Assam Services(Pension) Rules, 1969, was amended in the year 2018 and it was provided that a family pension shall be permissible to be continued to an unmarried daughter beyond the age of 21 years subject to the fulfillment of the conditions contained therein.

The petitioner as projected in the writ petition is an unmarried daughter and was dependent on the income of the father.

In that view of the matter, the petitioner, within a period of 7(seven) days from today, shall submit an application before the Director, Elementary Education Department, Assam, claiming for provisional pension. The Director, Elementary Education Department, Assam, on receipt of such an application from the petitioner, shall examine as to whether the petitioner fulfills the conditions of Rule 143 of the said Rules of 1969 as it stands today after amendment and if it is found that the petitioner fulfills the said eligibility criterias, a provisional pension shall be authorized to her and such pension shall be continued till a regular compassionate family pension/family pension is finalized by the competent authorities.

List it again on 11th of March, 2024, on which date, the parties shall apprise this Court as to the compliance of the directions passed hereinabove.

JUDGE

Comparing Assistant