

GAHC010018082022



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

Case No. : WP(C)/837/2022

BIJOYA DAULAGAPU
W/O- LATE BABULAL BARMAN, R/O- DONGJEN RAZI VILLAGE, P.S-
UMRANGSO, DIST- DIMA HASAO, ASSAM, PI-788931

VERSUS

THE STATE OF ASSAM AND 5 ORS
THROUGH THE SECRETARY TO THE GOVERNMENT OF ASSAM, PUBLIC
HEALTH ENGINEERING DEPARTMENT, DISPUR, GUWAHATI-781006

2:SECRETARY
TO THE GOVERNMENT OF ASSAM
PUBLIC HEALTH ENGINEERING DEPARTMENT
HENGRABARI
GUWAHATI-781036

3:THE CHIEF ENGINEER
PUBLIC HEALTH ENGINEERING DEPARTMENT
ASSAM
HENGRABARI
GUWAHATI-781036

4:THE EXECUTIVE ENGINEER
PUBLIC HEALTH ENGINEERING
UMRANGSO DIVISION
UMRANGSO ASSAM

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

GUWAHATI-29

6:THE COMMISSIONER AND SECRETARY
FINANCE DEPARTMENT
ASSAM
DISPUR
GUWAHATI-06

7:THE STATE OF OF ASSAM
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM
PUBLIC HEALTH ENGINEERING DEPARTMENT
DISPUR
ASSAM
GUWAHATI-6

8:THE COMMISSIONER AND SECRETARY TO THE GOVT OF ASSAM

PENSION AND PUBLIC GRIEVANCES DEPARTMENT
DISPUR
GUWAHATI-6

9:THE PRINCIPAL SECRETARY

DIMA HASAO AUTONOMOUS COUNCIL
HAFLONG
DIST. DIMA HASAO
ASSAM

Advocate for the Petitioner : MR. N SARKAR

Advocate for the Respondent : SC, P H E

BEFORE
HONOURABLE MR. JUSTICE ACHINTYA MALLA BUJOR BARUA

ORDER

Date : 28.06.2022

By this writ petition, family pension is claimed by the wife of the deceased employee namely Babulal Barman.

2. Late Babulal Barman was initially appointed as a muster roll worker and regularized by the order dated 07.10.2005 and he died in harness on 27.05.2019. At the time of his death,

the deceased was paid the scale of pay Rs. 2890-60-3490-90-3670-EB-90-4480-120-5200-175-5725/- per month.

3. The respondents upon instruction takes a stand that the regularization of the deceased husband of the petitioner as a muster roll worker was cancelled by the order dated 10.02.2006 of the Finance Department, Government of Assam.

4. The respondents to produce any relevant materials that may be available in the records that the said order of cancellation of regularization was served on the deceased employee. If yes, the second question that would arise if the regularization was cancelled in the year 2006, how the deceased employee was paid the scale of pay up-to the date of his death. In other words, both the situations indicate that the order of cancellation was never given effect by the authorities.

5. In the circumstance, the respondents to make their submission as to why the family pension should not be directed in favour of the petitioner.

List again on 22.07.2022.

JUDGE

Comparing Assistant