

GAHC010021692024



2026:GAU-AS:631

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

Case No. : WP(C)/707/2024

SHIKHA DAS @ SIKHA DAS
W/O- LATE SWARUPANANDA DAS, R/O- VILL- AMRITAPUR, P.O. NO-2
SILAPATHER BLOCK, DIST.- DHEMAJI, ASSAM, PIN- 787059

VERSUS

THE STATE OF ASSAM AND 6 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM,
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT, DISPUR,
GUWAHATI-6

2:THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM
PENSION AND PUBLIC GRIEVANCE DEPARTMENT
DISPUR
GUWAHATI-6

3:THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM
FINANCE DEPARTMENT
DISPUR
GUWAHATI-6

4:THE COMMISSIONER
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT
PANJABARI
JURIPAR
GUWAHATI- 37

5:THE DIRECTOR OF PENSION
ASSAM
HOUSEFED COMPLEX
GUWAHATI-6

6:THE CHIEF EXECUTIVE OFFICER
DHEMAJI ZILLA PARISHAD
DHEMAJI DISTRICT- DHAMAJI
ASSAM
PIN- 787057

7:THE TREASURY OFFICER
DHAMAJI TREASURY
DISTRICT- DHEMAJI
ASSAM
PIN- 78705

Advocate for the Petitioner : MR. K R PATGIRI, MS. D. DEVI,MS K BARMAN,MS
CHITRALEKHA DAS

Advocate for the Respondent : SC, P AND R.D., SC, FINANCE DEPTT.,GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

21.01.2026

Heard Mr. K R Patgiri, learned counsel for the petitioner. Also heard Mr. A K Ghosh, learned counsel appearing on behalf of Mr. N Bora, learned Standing counsel, P&RD Department for the respondent No. 1 & 4 as well as Mr. A Chaliha, learned Standing counsel, Finance Department for the respondent Nos. 3 & 7.

2. By way of this writ petition under Article 226 of the Constitution of India, the petitioner is seeking a direction for finalizing and releasing arrear death benefits and monthly family pension (arrear & current) of the petitioner forthwith along with interest as per Rule 197A of the Assam Services (Pension) Rules, 1969 in terms of the judgment and order dated 05.08.2023 passed in W.A. No. 133/2023.

3. The brief facts of the case is that the husband of the petitioner namely late Swarupananda Das was appointed as Gaon Panchayat Secretary and accordingly, he joined in his service on 02.12.1993. His service was regularized vide office order dated

10.06.2003. After regularization, the husband of the petitioner was serving under the administrative control of the respondent No. 6, the Chief Executive Officer, Dhemaji Zila Parishad, Dhemaji. During the course of his service, the husband of the petitioner expired on 11.09.2013. After demise of the petitioner's husband, the petitioner has rushed door to door to the official respondents for entitlement of death benefits as well as monthly family pension of her late husband. In spite of that the respondent No. 4, the Commissioner, P&RD Department has only sanctioned unutilized leave salary as well as GIS amount, but no positive steps are taken for monthly family pension as well as DCRG till date.

4. It is submitted on behalf of the petitioner that the issue involved in the instant writ petition is squarely covered by judgment and order of this Court in the case of ***Nur Hussain Mollah -Vs- the State of Assam & Ors.*** in ***WP(C) No. 4397/2022***, wherein this Court by judgment and order dated 05.08.2022 was pleased to direct the respondents in the P&RD Department to pass necessary orders on the entitlement of the petitioner for pension by taking note of the law laid down by the Division Bench in W.A. No. 145/2009.

5. It appears that against the aforesaid judgment and order dated 05.08.2022 of the learned Single Judge, the State respondents had preferred a writ appeal, being W.A. No. 133/2023, which was dismissed by the Division Bench of this Court on 05.08.2023 by upholding the said judgment and order of the learned Single Judge of this Court dated 05.08.2022. It further appears that against the judgment and order of the Division Bench, an SLP being Special Leave Petition (Civil) Diary No(s). 24107/2024 was preferred before the Apex Court, which was also dismissed by the Apex Court vide judgment and order dated 19.07.2024. It thus appears that the decision of the learned Single Judge in WP(C) No. 4397/2022 stands affirmed.

6. In view of the above, in the interest of justice, I am inclined to dispose of the instant writ petition in similar line as that of judgment and order dated 05.08.2022

passed in WP(C) No. 4397/2022. Resultantly, the respondents in the P&RD Department are directed to pass necessary order on the entitlement of the petitioner for family pension by taking note of the aforesaid judgment and order dated 05.08.2022 passed in WP(C) No. 4397/2022 and the Division Bench judgment and order dated 05.08.2023 passed in W.A. No. 133/2023.

7. It is needless to be clarified that the entire exercise shall be carried out within a period of three months, from the date of receipt of certified copy of this order.

8. With the above observation and direction, the instant writ petition accordingly stands allowed and disposed of.

JUDGE

Comparing Assistant