

GAHC010050482024



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

Case No. : WP(C)/1418/2024

NIZARA THAKUR
WIFE OF LATE SIBA PRASAD THAKUR,
RESIDENT OF ARUNDHATI APARTMENT, JAYANTA NAGAR,
GANESH MANDIR PATH, NEW GUWAHATI TINIALI, NOONMATI,
GUWAHATI- 781020, DISTRICT- KAMRUP (M), ASSAM

VERSUS

1: THE STATE OF ASSAM AND 4 ORS. REPRESENTED BY THE
COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF ASSAM,
HIGHER EDUCATION, DISPUR, GUWAHATI-06

2: THE ADDITIONAL SECRETARY TO THE GOVERNMENT OF ASSAM
HIGHER EDUCATION DEPARTMENT DISPUR GUWAHATI-06

3: THE DIRECTOR OF HIGHER EDUCATION
KAHILIPARA GUWAHATI-19

4: THE PRINCIPAL DEBRAJ ROY COLLEGE
GOLAGHAT PIN- 785621 ASSAM

5: THE ACCOUNTANT GENERAL GOVERNMENT OF ASSAM
MAIDAMGAON BELTOLA GUWAHATI ASSAM PIN- 78102

Advocate for the Petitioner : MRS. P BARMAN (BORKAKOTI), MR. A NARZARI, MS S
CHANGKAKOTI

Advocate for the Respondent : SC, HIGHER EDU, MR. P J SAIKIA(R-4), MS D DUTTA(R-4), SC,
AG

- BEFORE -
HON'BLE MR. JUSTICE NELSON SAILO

Date : 17-07-2025

Heard Mrs. P. Barman, learned counsel for the petitioner. Also heard Mr. D. Upamanyu, learned Standing Counsel, Education (Higher) Department, appearing for the respondent Nos.1, 2 & 3; Mr. P.J. Saikia, learned counsel appearing for the respondent No.4 and Mr. R.K. Talukdar, learned Standing Counsel, Accountant General, appearing for the respondent No.5.

The issue to be decided in the instant case is as to whether the husband of the petitioner, who retired under the Voluntary Retirement Scheme (although not in existent at the relevant time) and who has subsequently expired, can be covered by the Assam College Employees (Provincialisation) Act, 2005 (*hereinafter to be referred as "Act of 2005"*) and its subsequent amendment in 2012. In other words, whether the petitioner, who is the wife of the late Lecturer, can claim family pension in view of Section 8 of the Act of 2005 and the amendment of the proviso to Section 3 of the said Act by the Amendment Act of 2012. The petitioner has also claimed that similarly situated persons, such as Mrs. Bonti Tamuly, Wife of Late Prafulla Sarma; Mrs. Malabika Das, Wife of Late Basudeb Das; Mrs. Amiya Tamuli, Wife of Late Kandarpa Tamuli and Mrs. Anjali Gohain, Wife of Late Purna Gohain, had been given the benefit of family pension.

Having regard to the above claim, Mr. D. Upamanyu, learned Standing Counsel, Education (Higher) Department and Mr. P.J. Saikia, learned counsel appearing for the Principal, Debraj Roy College, Golaghat (respondent No.4) shall obtain instructions by the next date fixed.

Let the matter be listed again on ***12.08.2025***.

JUDGE

Comparing Assistant