

GAHC010052662026



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

Case No. : WP(C)/1573/2026

RAZIA BEGUM ALIAS REZIA BEGOM
W/O LATE. LALAL UDDIN SEIKH VILLAGE-MOHANPUR FT-II, P.O-
MOHANPUR, PS-ALGAPUR, DISTRICT-HAILAKANDI, ASSAM

VERSUS

THE STATE OF ASSAM and others
REPRESENTED BY THE COMMISSIONER SECRETARY TO THE GOVT
OF ASSAM, HOME DEPARTMENT, ASSAM DISPUR GUWAHATI-6.

2: THE INSPECTOR GENERAL OF POLICE
(L)
ASSAM
ULUBARI
GUWAHATI-07

3: THE COMMANDANT
6TH BATTALION
KATHAL
CACHAR
SILCHAR

4: THE ACCOUNTANT GENERAL (A AND E)
ASSAM
BELTOLA
GUWAHATI

5: THE TREASURY OFFICER
P.O
P.S
DIST.-HAILAKANDI
ASSAM

6:BRANCH MANAGER
SBI
HAILAKANDI BRANCH
P.O
P.S AND DIST-HAILAKANDI
ASSAM

7:ASMA BEGUM
W/O- LATE JALAL UDDIN SHEIKH

VILLAGE- MOHANPUR PART II
P.O- MOHANPUR
P.S- ALGAPUR
DIST- HAILAKANDI
ASSA

Advocate for the Petitioner : MR M A BARBHUIYA, MS S R MAZARBHUIYA,MR. A M BARBHUIYA

Advocate for the Respondent : GA, ASSAM, SC, AG (A AND E)

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

18.03.2026

Heard Mr. A. M. Barbhuiya learned counsel for the petitioner and Ms. M. Bhattcharjee, learned Additional Senior Government Advocate for the Respondents.

2. The limited prayer before the Court is that the petitioner who claims to be the second wife late Jalal Uddin Sheikh, claiming for 50 per cent of family pension which is otherwise received by the Private Respondent No. 7, who stated to be the first wife of late Jalal Uddin Sheikh.

3. The direction is sought for by making a reference to the judgment of Full Bench of this Court dated 22.12.2022 rendered in *Mustt Junufa Bibi Vs. Mustt*

Padma Begum @ Padma Bibi and 4 Ors. in W.A. No. 160/2018, whereby there was a direction by the Full Bench that in respect of persons governed by Mohammedan Law where the second and further wife of a deceased employee are entitled to apportionment of family pension. The Full Bench directed that where the parties which are governed by Mohammedan Law are not appropriately maintained by the eldest surviving widow to whom the family pension would be paid, the remedy for making a claim for maintenance would be available in the appropriate forum under the law, and not a claim for payment of family pension by the State Authorities directly to such persons.

4. However, in the event that the State Authorities on their own violation are of the view that under acceptable circumstances, the authorities are agreeable and required to pay the pensions separately then the findings of the Court in the judgment would not be an absolute bar on such separate payment.

5. The learned counsel for the petitioner, therefore submits that the Respondent No. 7 is the eldest surviving widow of the late Jalal Uddin Sheikh and on representation being before the authorities which the petitioner claims to have dispatched by way of Speed Post. Postal receipts of which are also enclosed to the writ petition, the authority should be directed to redress the grievances of the petitioner and issue separate orders for received of pension.

6. Since the grievances of the petitioner are limited to the extent that the claim of separate pension as ventilated in the representation stated to have been filed to the Inspector General (L) Assam, Guwahati, this Court considers it appropriate to close the matter at this stage without issuing any notice.

7. The submissions of the learned counsel for the petitioner is that there is a direction by the Full Bench to the Respondent Authorities to resolve such matters in respect of parties governed by Mohammedan Law, also cannot be

accepted. Upon the plain reading of the judgment, it is seen that the Full Bench had given liberty to the authorities on their own violation to resolve the matter by passing appropriate orders including separate orders for pension. The Full Bench, otherwise given liberty to the affected parties to approach the appropriate forums seeking their prayer for maintenance from the eldest surviving widow in respect of parties who are governed by Mohammedan Law.

8. Under such circumstances, in view of the limited prayer of the writ petitioner, this Court can only directs the respondent authorities to dispose of the representations stated to have been filed by the petitioner and the respondent authorities will be at liberty to resolve the matter as explained in the judgment dated 22.12.2022 rendered in *Mustt Junufa Bibi Vs. Mustt Padma Begum @ Padma Bibi and 4 Ors.* in W.A. No. 160/2018, more particularly paragraph 23 of the said judgment. The Department wishes to undertake shall not be done without issuance of notice to the writ petitioner as also to the private respondent and any other person who may otherwise be affected.

9. The closure of the writ petition directing the respondents to decide shall not be construed to be a direction to pass effective orders by issuance of separate order, if otherwise not permissible in Law.

10. In view of the submissions made by the learned Additional Senior Government Advocate that the authority to whom the petitioner's representation had been addressed to is not the appropriate authority, this Court permits the said authority before whom the representation was filed to have it placed before the appropriate authority for a decision as directed above.

11. Accordingly, this writ petition disposed of.

JUDGE

Comparing Assistant