

GAHC010059332026



2026:GAU-AS:4842

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

Case No. : WP(C)/1900/2026

SONEBALA BORO
W/O- LATE UDDHAB CHANDRA BORO,
RESIDENT OF BHABANIPUR,
P.O-NOONMATI, DIST-KAMRUP METRO, ASSAM, PIN-781020

2: ANJIMA BORO
W/O- LATE UDDHAB CHANDRA BORO

VILL-PURAN BHAWANIPUR
P.O-PURAN BHAWANIPUR
DIST-BAJALI
ASSAM
PIN-78131

VERSUS

THE STATE OF ASSAM AND OTHERS
REPRESENTED BY THE SECRETARY TO THE GOVT OF ASSAM,
SECONDARY EDUCATION DEPARTMENT, DISPUR GUWAHATI 06

2: THE PRINCIPAL ACCOUNTANT GENERAL A AND E ASSAM
MOIDAMGAON
BELTOLA
GUWAHATI 29

3: THE SECRETARY TO THE GOVT OF ASSAM
FINANCE DEPARTMENT
DISPUR
GUWAHATI 06

4: THE DIRECTOR OF PENSION
ASSAM
HOUSEFED COMPLEX
GUWAHATI 06

5:THE DIRECTOR OF SCHOOL EDUCATION
KAHILIPARA
GUWAHATI 19

6:THE INSPECTOR OF SCHOOLS
BAJALI
P.O BAJALI
DIST BAJAJI
ASSAM
PIN 781325

7:THE TREASURY OFFICER
BAJALI
P.O BAJALI
DIST BAJALI
ASSA

Advocate for the Petitioner : ABDUL REZZAK MONDAL, A R MONDAL,MR Z ALAM,MR. S ISLAM,MR A HAWARI

Advocate for the Respondent : SC, SEC. EDU., SC, AG (A AND E),SC, FINANCE,GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE NELSON SAILO

ORDER

Date : 02.04.2026

Heard Mr. S. Islam, learned counsel for the petitioners. Also heard Ms. P. Das, learned Standing Counsel, Secondary Education Department for the respondent Nos. 1, 5 and 6, Mr. D. Chakraborty, learned counsel for the respondent No.2, Ms. R. M. Baruah, learned Standing Counsel for the respondent Nos. 3 and 7 and Ms. K. Phukan, learned Govt. Advocate for the respondent No.4.

[2.] Having regard to the nature of grievance projected by the petitioners, this writ petition is taken up for disposal at this stage.

[3.] The petitioner's husband, late Mr. Uddhab Ch. Boro was working as a Grade-IV employee at Sorupeta High School, Bajali, died-in-harness on 02.10.2025. According to the petitioners, during his life time, he was married to both the petitioner No.1 and petitioner No.2. The petitioner No.1 is the first wife who lived separately while petitioner No.2 lived with him. In the service book of the late Uddhab Ch. Boro, petitioner No.2 was indicated as the nominee. When pension papers were being processed, the petitioner No.1 submitted her objection and due to which reason, the respondent No.6 did not process the pension papers any further. The learned counsel for the petitioners submits that both the petitioners have now come to an agreement that the family pension would be shared between them equally and the share of the other service benefits like GIS, Gratuity, Leave Salary and GPF would be in the ratio of 40:60 between the petitioner No.1 and petitioner No.2 respectively. Accordingly, an agreement was made by the petitioners in writing before two reliable witnesses on 16.02.2026 at Bajali. The learned counsel submits that although the petitioners approached the respondent No.6 with the agreement but since the pension process has not been taken up, the petitioners are before this Court.

[4.] Considering the above projection, instead of keeping the matter pending before this Court, the matter is disposed of by directing the petitioners to submit their joint representation before the respondent No.6 by enclosing a copy of the agreement arrived at between the petitioners as regards the apportionment of the pension and other benefits. Since the late Grade-IV employee had nominated his second wife in his service book, the petitioner No.1 shall also submit a No objection Certificate along with the representation and the agreement arrived between the parties before the respondent No.6. Upon receipt of the same, the respondent No.6 shall process the matter so that the

petitioners can have the benefit of the pension and other retiral benefits of the late Government servant.

[5.] The petitioners shall submit their representation as directed hereinabove within 2(two) weeks from today. Thereafter, respondent No.6 shall take the matter forward in accordance with law.

[6.] With the above observations and directions, the writ petition stands disposed of.

JUDGE

Comparing Assistant