

GAHC010070882021



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

Case No. : WP(C)/4381/2021

KASHMIRI TERONPI
W/O- LT. BABU SING TOKBI, VILL- SELAWAR TERON GAON, P.S.
DOKMOKA, P.O. PHULONI, KARBI ANGLONG, PIN- 782441, ASSAM

VERSUS

THE STATE OF ASSAM AND 8 ORS
REP. BY THE COMM. AND SECY., PUBLIC HEALTH ENGINEERING DEPTT.
(PHE), GOVT. OF ASSAM, GHY, DISPUR- 06

2:THE COMM. AND SECY. TO THE GOVT. OF ASSAM
THE PENSION DEPTT.
SACHIVALAYA
DISPUR
ASSAM- 781006

3:THE DIRECTOR OF PENSION
HOUSEFED COMPLEX
LAST GATE
DISPUR
GHY
ASSAM- 781006

4:THE FINANCE AND ACCOUNTS OFFICER
DIRECTORATE OF PENSION
HOUSEFED COMPLEX
DISPUR
GHY-06

5:THE KARBI ANGLONG AUTONOMOUS COUNCIL (KAAC)
REP. BY THE PRINCIPAL SECY.
DIPHU

782460

6:THE PRINCIPAL SECRETARY
KARBI ANGLONG AUTONOMOUS COUNCIL (KAAC)
DIPHU
782460

7:THE ADDL. CHIEF ENGINEER
PUBLIC HEALTH ENGINEERING DEPTT. (PHE)
KARBI ANGLONG
DIPHU- 782460

8:THE EXECUTIVE ENGINEER
PUBLIC HEALTH ENGINEERING DEPTT. (PHE)
HOWRAGHAT DIVISION
HOWRAGHAT
KARBI ANGLONG
PIN- 782481

9:THE ACCOUNTANT GENERAL (A AND E)
ASSAM
MAIDAMGAON
BELTOLA
GHY-29

10:THE PRINCIPAL SECY. TO THE GOVT. OF ASSAM
FINANCE DEPTT.
DISPUR
GHY-0

Advocate for the Petitioner : MR B P BORAH

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

19.07.2023

Heard Ms. G. Goswami, learned counsel for the petitioner; Ms. S. Kemprai, learned Standing Counsel, KAAC for the respondents No. 5 to 8 and Mr. S.K. Medhi, learned counsel for the respondent No. 9.

2. Ms. G. Goswami, learned counsel for the petitioner submits that the petitioner's husband expired while rendering continuous service under the PHE Department. The petitioners claimed the benefit under Notification No. FEG.28/2017/26 dated 14th September, 2017 that they should be granted Compassionate Family Pension in lieu of Compassionate Appointment. However, their cases for consideration have not been adequately considered in terms of the said notification by the Department, therefore, the present writ petition has been filed.

3. The learned counsel for the petitioner relies upon the Judgment of Apex Court rendered in *Prem Singh Vs State of Uttar Pradesh*, reported in (2019) 10 SCC 516 in support of her contention that under the scheme of the Notification, all employees under the State Government are entitled to the benefit and no distinction can be made in respect of cases like petitioner that her husband was work-charged Employee.

4. Ms. S Kemprai, learned Standing counsel, KAAC for the respondents No. 5 to 8 prays for a short date to enable her to complete her instructions and to file necessary affidavit, if so required. The learned counsel for the respondents refers to the Judgment of Division Bench of this Court in *Upen Das Vs. State of Assam*. She submits that a Division Bench of this Court has held that work-

charged employees are not entitled to pensionary benefits.

5. The matter will require consideration. Therefore, the Government Counsels are permitted to file their respective counters if so advised.

6. List again on 09.08.2023 for admission.

JUDGE

Comparing Assistant