

GAHC010127792025



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

**Case No. : WP(C)/3434/2025**

MISS INAYA MALAKAR  
REPRESENTED BY HER MOTHER, DAUGHTER OF LATE BABLU  
MALAKAR, RESIDENT OF BELTOLA HARLONGFAR, NADIRPAR, PO AND  
PS LUMDING, DISTRICT HOJAI, ASSAM, REPRESENTED BY HER MOTHER,  
RESIDENT OF BELTOLA HARLONGFAR, NADIRPAR, PO AND PS LUMDING,  
DISTRICT HOJAI

VERSUS

THE UNION OF INDIA  
REPRESENTED BY THE SECRETARY OF THE GOVT OF INDIA, MINISTRY  
OF RAILWAYS, NEW DELHI 110001

2:THE GENERAL MANAGER  
NF RAILWAY  
MALIGAON  
GUWAHATI 781011

3:THE DIVISIONAL RAILWAY MANAGER  
NF RAILWAY  
LUMDING  
DISTRICT HOJAI  
ASSAM  
PIN 782447

4:THE DIVISIONAL RAILWAY MANAGER P  
NF RAILWAY  
LUMDING  
DISTRICT HOJAI  
ASSAM  
PIN 782447

5:THE SENIOR DIVISIONAL MECHANICAL ENGINEER  
NF RAILWAY  
LUMDING  
DISTRICT HOJAI  
ASSAM  
PIN 78244

**Advocate for the Petitioner** : MR. H ISLAM, MRS. B S CHOWDHURY,MS T DEBNATH,MR B SINHA

**Advocate for the Respondent** : DY.S.G.I., MR H GUPTA(C.G.C)

**BEFORE**  
**HONOURABLE MR. JUSTICE RAJESH MAZUMDAR**

**ORDER**

**Date : 11.02.2026**

Heard Mr. B. Sinha, learned counsel for the petitioner and also heard Mr. H. Gupta, learned CGC appearing for the respondents.

The learned counsel for the petitioner has assured the Court that mother and the natural guardian of the petitioner, who is a minor aged about 13 years, shall file affidavit before this Court that the pension and pensionary benefits released to the minor child shall be deposited and accounted for into the account maintained in the name of the minor daughter. She shall also specify in that affidavit as to manner in which any expenses, if required for the betterment of the child, is to be done. This Court notices that the custody of the minor child was with her deceased father. The mother of the child now remains as the only natural guardian and she is praying for the minor child by approaching this Court.

Mr. H. Gupta, learned Standing counsel for the railways department has submitted that the department would not be adverse to making the payment in favour of the minor daughter since the entitlement is not disputed. The anxiety in the mind of the Railways authorities was the misuse of the aforesaid pensionary benefits since the

mother of the petitioner was not given the custody by the Family Court on the earlier occasion.

On the next date fixed the respondents shall supply the bank draft of the amount to which the minor petitioner is entitled to along with the final pension payment order in accordance with law and her entitlement before this Court.

List this matter again on **05.03.2026**.

It is made clear that in the absence of the financial benefits in the form of bank draft and the final PPO being placed before this Court, this Court would require the personal appearance of the Officers who are connected with the disbursement of the pension benefits in favour of the minor petitioner. It is noticed that no reasons has been given for the delay in releasing the amount to the minor petitioner whose entitlement was is, and has not been undisputed.

**JUDGE**

**Comparing Assistant**