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

Case No. : WP(C)/3576/2024

JUTILA MEDHI

W/O- LATE JOYCHARAN MEDHI, R/O- VILL. MAJKUCHI, P.O. PATBAUSHI,
DISTRICT- BARPETA, ASSAM, PIN- 781314

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, HEALTH AND FAMILY WELFARE DEPARTMENT, DISPUR,
GUWAHATI- 781006

2:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
HEALTH AND FAMILY WELFARE DEPARTMENT
DISPUR
GUWAHATI- 781006

3:THE DIRECTOR
HEALTH AND FAMILY WELFARE
HENDERABARI
GUWAHATI- 781036

4:THE PRINCIPAL ACCOUNTANT GENERAL (A AND E)
ASSAM
MAIDAMGAON
GUWAHATI- 781029
DIST- KAMRUP (M)
ASSAM

5:SMT. BHANU DAS
W/O- LATE SATYAJIT MEDHI
C/O- LATE MADHAB DAS
R/O- BARPETA

ISSAPUR HATI WARD NO. 21
P.O. AND P.S. BARPETA
DIST.- BARPETA
ASSAM
PIN- 781321

6:THE DIRECTOR ACCOUNTS AND TREASURIES GOVT. OF ASSAM
KALAGURU BISHNU RABHA FLYOVER
DISPUR
GANESHGURI
GHY-78100

Advocate for the Petitioner : MR. N K KALITA, MR D DEKA

Advocate for the Respondent : SC, AG, MS. D PATHAK(R-5),MR. R DE (R-5),SC, HEALTH AND
F W

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

20.03.2026

Heard Mr. N.K. Kalita, learned counsel for the petitioner.

Ms. S Sarmah, learned Standing counsel, Health appearing for the respondents No. 1 & 3 submits that the private respondent No. 5 is the widow of the Government employee and who has been given the benefit of family pension and that apart there is a communication by the respondent No. 5 that she had shared 50% of the entire amount of GIC Savings, GIC Insurance and Leave Encashment.

The learned counsel for the petitioner, on the other hand, submits that in view of the recent amendments, the mother is also included in the definition of "family" under Rule 143 and therefore has an equal claim to the pensionary benefits of a deceased employee who was her son.

The learned counsel for the petitioner submits that there are Judgments of the Court where if there are more than one family members surviving and who are included within the definition of "family" under Rule 143 then the pensionary benefits will have to be proportionately shared amongst the said family members. He however submits that the

Judgment is not available with him today. He would like to place it on the next date fixed.

In that view of the matter, the matter be after two weeks and the respondents will file their affidavits if so advised in the meantime.

Name of Mr. C Boruah, learned Standing Counsel, Accountant General be reflected in the cause list.

JUDGE

Comparing Assistant