

GAHC010150662024



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

Case No. : WP(C)/3900/2024

SHYAMALI MURMU
WIFE OF LATE ELDRIN SOREN, RESIDENT OF VILLAGE THAKURPUR, P.O.
DINGDINGA AND P.S.- GOSSAIGAON, DIST- KOKRAJHAR, BTC, (ASSAM),
PIN- 783333

VERSUS

THE STATE OF ASSAM AND 8 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, WELFARE OF PLAIN TRIBES DEPARTMENT, ASSAM, DISPUR,
GUWAHATI-6

2:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
PENSION AND PUBLIC GRIEVANCES DEPARTMENT
DISPUR
GUWAHATI-6

3:THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM
FINANCE DEPARTMENT
ASSAM
DISPUR
GUWAHATI-6

4:THE DIRECTOR OF TREASURIES AND ACCOUNTS
ASSAM
DISPUR
GUWAHATI-6

5:THE BODOLAND TERRITORIAL COUNCIL
REPRESENTED BY PRINCIPAL SECRETARY
BODOFANAGAR
KOKRAJHAR

DIST.- KOKRAJHAR
ASSAM
PIN- 783370

6:THE SECRETARY
BODOLAND TERRITORIAL COUNCIL
(PERSONAL) DEPARTMENT
BODOFANAGAR
KOKRAJHAR
DIST. KOKRAJHAR
ASSAM
PIN- 783370

7:THE SECRETARY
BODOLAND TERRITORIAL COUNCIL
FINANCE DEPTT.
BODOFANAGAR
KOKRAJHAR
DIST.- KOKRAJHAR
ASSAM
PIN- 783370

8:THE LIASON OFFICER
BODOLAND GUEST HOUSE
KHANAPARA
GUWAHATI-32

9:THE TREASURY OFFICER
KOKRAJHAR TREASURY
DIST.- KOKRAJHAR
ASSAM
PIN- 78337

Advocate for the Petitioner : MR. K R PATGIRI,

Advocate for the Respondent : SC, BTC, MR R DHAR, SC, WPT,SC, FINANCE,SC, AG,GA,
ASSAM

BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM

ORDER

Date : 21/10/2024

Ms. K. Barman, learned counsel is present on behalf of the writ petitioner and submits that the

matter pertains to non-payment of provisional family pension and gratuity payable on account of the deceased husband of the petitioner.

Mr. P. Nayak, learned Standing Counsel, BTC submits that on 09/09/2024, a communication was issued to the Principal Secretary, BTC, seeking instruction in the matter. However, no response has been received till date.

In a matter where a widow of a deceased Government employee is seeking family pension, if the authorities fail to respond to the request made by the departmental counsel seeking instruction, the matter has to be viewed seriously by the Court. If a responsible officer such as the Principal Secretary to the BTC chooses not to respond to the query made by the Court than this Court would be left with no option but to take appropriate action in the matter as per law. However, Mr. Nayak has prayed for one more opportunity to obtain instruction.

On the request of Mr. Nayak, this writ petition is, therefore, directed to be posted again on 28/10/2024 so as to give him one more opportunity to obtain instruction and address the Court.

It is made clear that if no instruction is made available by the next date fixed, this court will consider directing personal appearance of the concerned Officer.

Copy of this order be furnished to Mr. P. Nayak, learned Standing Counsel , BTC, during the course of the day.

JUDGE

sukhamay

Comparing Assistant