

GAHC010160172024



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

Case No. : WP(C)/4316/2024

JAYNAB BEGUM BARBHUIYA
W/O- LATE MAHBUBUR RAHMAN BARBHUIYA,
R/O- VILLAGE AND P.O- BARJATRAPUR,
P.S- BARKHOLA, DIST- CACHAR, ASSAM, PIN-788110

VERSUS

THE STATE OF ASSAM AND 3 ORS
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,
PUBLIC HEALTH ENGINEERING DEPARTMENT, DISPUR, GUWAHATI-06

2:THE COMMISSIONER AND SECRETARY
TO THE GOVT. OF ASSAM

FINANCE DEPARTMENT
DISPUR
GUWAHATI-06

3:THE EXECUTIVE ENGINEER
PUBLIC HEALTH ENGINEERING DEPARTMENT
HAFLONG DIVISION
HAFLONG
DIST- DIMA HASAO
ASSAM

4:THE PRINCIPAL ACCOUNTANT GENERAL
(A AND E) ASSAM
MAIDAMGAON
BELTOLA
GUWAHATI-2

Advocate for the Petitioner : MR H TALUKDAR, MR. R SARMA,MR. K D SARMA

Advocate for the Respondent : SC, FINANCE, SC, P H E,SC, DIMA HASAO,SC, AG (A AND E)

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

23.04.2026

Heard Mr. K. D. Sarma, learned counsel for the petitioner; also heard Ms. P. Chakraborty, learned Standing Counsel, Dima Hasao, Mr. I. Borthakur, learned Standing Counsel, PHE.

2. The petitioner before the Court is the widow of late Mahbubur Rahman Barbhuiya who died in harness on 16.10.2013 while he was serving as a Grade-IV Khalashi under the Office of the Executive Engineer (Public) Haflong Division. It is the case of the petitioner that although the pensionary benefits have been sanctioned and family pension is being received, the DCRG has not been granted to the petitioner. A representation was submitted by the petitioner, but not response was received. Subsequently, upon filing an RTI application before the concerned authorities, the petitioner was informed that the net qualifying service of her husband stands at 18 years, 04 months and 16 days after deduction of 3 years of work charge period from the gross service period of 21 years, 04 months, 16 days which is below the benchmark of qualifying years of 20 years for entitlement of pensionary benefits like DCRG, and therefore it was held that the petitioner's husband is not entitled to the said benefit.

3. By order dated 28.08.2025, the matter was referred to mediation. The mediator by report dated 15.10.2025 reported that the mediation was unsuccessful although the mediation was conducted on the following dates: 08.09.2025; 10.09.2025; 19.09.2025; 22.09.2025; 26.09.2025. However, the

detailed report as to why the mediation failed and the reasons therefore not available in the mediator's report.

4. The matter has been pending before the Court since 2024 and the respondent PHE has not filed their counter affidavit. Today, when the matter is called, Mr. I. Borthakur, learned counsel appearing for the PHE submits that the service of the writ petitioner's husband was under the Dima Hasao Autonomous Council. It is also submitted at the bar that the Executive Engineer, PHE will be represented by the counsel appearing for the Dima Hasao as it is a transferred matter.

5. Considering these facts, the matter is remanded back for mediation. It is expected that the dispute will be resolved through the efforts of the mediator of the Gauhati High Court Mediation Centre.

6. Accordingly, the parties will appear before the Gauhati High Court Mediation Centre on 08.05.2026.

JUDGE

Comparing Assistant