

GAHC010166652022



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

Case No. : WP(C)/5435/2022

NASIMA BEGUM B K AND 2 ORS
W/O. LT. DIL BAHADUR B.K.

2: KUMARI BEGUM B.K.

W/O. LT. DIL BAHADUR B.K.

3: DISHANT B.K.

W/O. LT. DIL BAHADUR B.K.
ALL ARE R/O. VILL. TUPKHANA PART-I
OPP. MES COLONY
MASHIMPUR
P.S. SILCHAR
DIST. CACHAR
ASSAM
PIN-788025

VERSUS

THE UNION OF INDIA AND 5 ORS
TO BE REP. BY THE MINISTRY OF HOME AFFAIRS, NEW DELHI.

2:THE DIRECTOR GENERAL OF BORDER SECUTIRY FORCE CGO
COMPLEX

LODHI ROAD
NEW DELHI-110003.

3:THE INSPECTOR GENERAL BORDER SECUTIRY FORCE
M AND C FTR
HQ MASIMPUR
SILCHAR
PIN-788025.

4:THE COMMANDANT 131 BN.
BSF MELTARAM LUNGL STATE- MIZORAM
PIN-796701.

5:THE DEPUTY COMMANDANT
131 BN. BSF MELTARAM
DISTRICT LUNGL STATE MOZORAM
PIN-796701.

6:SMT. SUSHMA DEVI B.K.

W/O. LT. DIL BAHADUR B.K.
VILL. SANTIPUR
P.O. SANTIRPU
DITT-GULMI COUNTRY NEPAL
PIN-411034/75711

Advocate for the Petitioner : MR. L R MAZUMDER

Advocate for the Respondent : ASSTT.S.G.I.

**BEFORE
HONOURABLE MR. JUSTICE NELSON SAILO**

ORDER

Date : 24.08.2022

Heard Mr. L.R Mazumdar, learned counsel for the petitioners, who submits that that the petitioner No. 1 is the second wife of late Dil Bahadur B.K who was working as a Constable in the Border Security Force. The petitioner Nos. 2 & 3 are their children born out of their wedlock. As per Rule 50 & 54 of the CCS (Pension) Rules as amended in the year 2021, the children of the second wife are entitled to 50% of the pensionary benefits. However, the same was not considered by the respondent authorities and the entire pension has been earmarked for the first wife.

In view of above, issue notice of motion returnable by 4 (four) weeks. Ms. B Sarma, learned CGC appears and accepts notice on behalf of respondent Nos. 1 to 5. Requisite extra copies of the writ petition be furnished to her. Petitioner to serve notice to the respondent No. 6 by registered post with A/D due within 3 (three) days.

Till the next returnable date, the respondent authorities shall not release 50% of the pensionary benefits to the respondent No. 6.

List the matter again **after 4 (four) weeks.**

JUDGE

Comparing Assistant