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

Case No. : WP(C)/2814/2015

SHYAMALA MEDHI
W/O LT. PRANESWAR MEDHI, R/O BAPUJINAGAR, P.O. BALADMARI, P.S.
and DIST- GOALPARA, ASSAM

VERSUS

THE STATE OF ASSAM AND 5 ORS
REP. BY THE COMMISSIONER AND SECY. TO THE GOVT. OF ASSAM, PWD
DEPTT., DISPUR, GHY-6

2:THE PRINCIPAL SECY. TO THE GOVT. OF ASSAM
PENSION and PUBLIC GRIEVANCES DEPTT.
DISPUR
GHY-6

3:ACCOUNT GENERAL AandE
ASSAM
MAIDAMGAON
BELTOLA
GHY-29

4:THE CHIEF ENGINEER

PWD ROADS
ASSAM
CHANDMARI
GHY-3

5:THE EXECUTIVE ENGINEER
PWD
GOALPARA RURAL ROADS DIVISION
P.O. and DIST- GOALPARA

ASSAM
PIN-783101

6:THE TREASURY OFFICER
GOALPARA DISTRICT
PO. and P.S. GOALPARA
ASSA

Advocate for the Petitioner : MR.H DAS, MS.J DAS

Advocate for the Respondent : SC, PENSION, SC, PWD,SC, FINANCE,SC, AG

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

17.02.2026

Heard Mr. H Das, learned counsel for the petitioner. Also heard Mr. R Dhar, learned Standing Counsel, PWD and Ms. A Sarma, learned counsel for the Accountant General.

2. This writ petition is filed, by the petitioner, seeking a direction for regularisation of the posthumous regularisation of the services rendered by her late son, as a work charged employee under the PWD Department (Rural Road Division), Goalpara. The deceased son of the petitioner was appointed on 30.07.1990, and he rendered services to 02.12.2000, in the capacity of the said post. He subsequently expired on 02.12.2000, without his services being regularised. The petitioner's further claim is for a direction to expand the definition of family, as provided under provisions of Rule 143 of the Assam

Services (Pension) Rules, 1969, to include the mother of an employee. The aggrieved mother is before the court, by way of the written petition, seeking a direction from the Court to the respondents to regularise the services rendered posthumously of her late son, so that his case can be put up for the pensionary benefits, which may be released to the mother as by way of family pension.

3. The respondents have contested the case by filing their affidavit, and submitted that under the provisions of the Assam Services Pension Rules, services of an employee will have to be regularised in order to avail pension. The respondents submits that subsequently, with effect from 20.08.2015, the definition of 'family' within under the pension Rules stood amended to include the mother also, who is entitled to receive the family pension, subject to the conditions mentioned therein.

4. Learned counsel for the petitioner has relied on the judgement of the Central Administrative Tribunal, Calcutta Bench, passed in *Usha Rani Chowdhury vs. Union of India and Ors* in OA No.228 of 1998 on 13.08.1999 to submit that, in terms of the same judgement, direction was issued for grant of family pension to the applicant before the Tribunal, who was the widowed mother of the deceased Government employee, who died as a bachelor.

5. I have heard learned counsel for the parties and perused the pleadings

available on records.

6. Considering the submissions made, the fact remains that the petitioner's services were never regularised. So, the claim of the widowed mother to be granted the family pension, even if accepted from the date of the amendments brought into the pension Rules, the fact remains that the petitioner's service was never regularised. Under Rule 31 of the Assam Services Pension Rules, the conditions mentioned therein have to be fulfilled in order to claim the benefit of pension or family pension as the case may be.

7. Nothing has been placed before the Court by the parties to suggest that any steps for any proposal or any steps for process for regularisation of the services of the petitioner was initiated by the respondents during the currency of the services rendered by the late son of the petitioner, and which would not be completed or was abandoned.

8. Under such circumstances, considering the position invoked at this stage, it would not be possible to issue any order in favour of the late son of the petitioner against the respondents, and the respondents, save and except, the direction that if there are any arrears or any other financial use found to be payable to the late Amal Kumar Medhi, then the same should be released to the late son of the petitioner.

9. With the above direction, the writ petition stands disposed.

JUDGE

Comparing Assistant