

GAHC010176312015



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

Case No. : WP(C) 2814/2015

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

VERSUS

1: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

Advocate for the Respondent : SC, PENSION

BEFORE

HON'BLE MR. JUSTICE HRISHIKESH ROY

26.03.2018

The petitioner's son *Amal Kumar Medhi* died in harness on 02.12.2000 while serving as *W/C Section Assistant* in the Goalpara Road Division of the PWD. His service was not regularized and accordingly the *family pension* claim of the *dependent mother* was *rejected* on 03.11.2014 (Annexure-VIII).

However in view of the amendment to *Rule 143(i) & (ii)* of the *Assam Services (Pension) Rules, 1969*, under the notification of 20.08.2015, the *mother* is now entitled to *family pension* and accordingly the *family pension* claimed is being reiterated by the *mother*.

The pleaded stand of the respondents is that as the service of the *W/C Section Assistant* was not regularized and the amendment notification is to apply prospectively from 20.08.2015, the petitioner is *ineligible* as her claim not be retrospectively granted with the death of her son on 02.12.2000.

In view of above, this case should be posted for hearing soon after the Bihu holidays in the Part-II hearing list.

Sd/-
JUDGE

Comparing Assistant