

GAHC010179502023



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

Case No. : WP(C)/4690/2023

JABA CHAKRABORTY
D/O- LATE JATINDRA MOHAN CHAKRABORTY,
R/O- NO. 1 MDHGHARIA,
PATHAR QUARY, UDAYAN VIHAR,
DISTRICT- KAMRUP(METRO),
ASSAM, GUWAHATI, PIN- 781171.

VERSUS

THE UNION OF INDIA AND 4 ORS
REPRESENTED BY THE DEPUTY SECRETARY TO THE GOVERNMENT OF
INDIA/ BHARAT SARKAR,
MINISTRY OF HOME AFFAIRS/ GRIH MANTRALAYA,
FREEDOM FIGHTERS DIVISION/ SWATANTRATA SENANI PRABHAG,
NEW DELHI CITY CENTRE-II,
JAI SINGH ROAD, 2ND FLOOR, NEW DELHI- 110001.

2:SR. ACCOUNTS OFFICER
PAY AND ACCOUNTS OFFICE (PENSION AND MISC.)
MINISTRY OF HOME AFFAIRS
2/10
JAM NAGAR HOUSE

NEW DELHI- 110011.

3:THE JOINT SECRETARY
CHIEF MINISTERS SECRETAIRAT AND P.P.S. TO CHIEF MINISTER
ASSAM
DISPUR
GUWAHATI-06

KAMRUP(M).

4:THE SR. ACCOUNTS OFFICER
OFFICE OF THE ACCOUNTANT GENERAL (A AND E)
ASSAM

MAIDAMGAON
BELTOLA
GUWAHATI- 29

KAMRUP(M)
ASSAM.

5:THE DEPUTY COMMISSIONER
KAMRUP(M)
GUWAHATI- 781036
KAMRUP(M)

ASSAM

Advocate for the Petitioner : MR. S BARMAN

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

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

25.08.2023

Heard Shri S. Barman, learned counsel for the petitioner.

The grievance raised in this petition is with regard to fixation of date from which the pension under the Swantranta Senani Samman Pension Scheme has been granted to the petitioner. It is projected case of the petitioner that her father was a Freedom Fighter and on his death, the mother of the petitioner was receiving pension under the aforesaid Scheme. However, the mother of the petitioner had also passed away on 02.12.2005 and the petitioner being unmarried and dependent daughter was accordingly entitled to the family pension. However, so far as the pension of the said Scheme by the Central Government is concerned, by the impugned letter dated 31.05.2022 such pension has been granted only from 01.09.2015 which has been

stated to the date of application. The claim of the petitioner is that she is entitled to the arrear pension from 03.12.2005 i.e. immediately on the passing away of her mother.

Issue Notice, returnable by 6(six) weeks.

Shri SS Roy, learned CGC accepts notice on behalf of the respondent nos. 1 and 2 whereas Shri A. Chakraborty, learned Government Advocate, Assam accepts notice on behalf of the respondent nos. 3 and 5 and Shri RK Talukdar, learned Standing Counsel, AG, Assam accepts notice on behalf of the respondent no. 4. Extra copies of the writ petition be served upon the learned counsel for the respondents within three days.

List this case after 6(six) weeks.

JUDGE

Comparing Assistant