

GAHC010179502023



2026:GAU-AS:713

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 SECRETARIAT 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, MR. P THAKURIA,MR. B HALDAR

Advocate for the Respondent : DY.S.G.I., MR. S S ROY,SC, AG,GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 21.01.2026

- 1.** Heard Mr. S Barman, learned counsel for the petitioner. Also heard Mr. S.S Roy, learned Central Government Counsel appearing for respondents No. 1 & 2.
- 2.** The petitioner in the present proceedings has prayed for a direction upon the respondent authorities for authorizing to her the Swatantrata Sainik Samman Pension with effect from 03.12.2005 along with the arrears, working out.
- 3.** The father of the petitioner Lt. Jatindra Mohan Chakraborty

was authorized the Swatantrata Sainik Samman Pension by the respondent authorities with effect from 01.08.1980. On his demise, the mother of the petitioner Smt. Nihar Bala Chakraborty was authorized the said pension. The mother of the petitioner Smt. Nihar Bala Chakraborty passed on, on 02.12.2005. The petitioner, thereafter, being the dependant daughter of her parents, filed an application on 02.06.2006, before the Deputy Commissioner, Kamrup and a further application dated 12.09.2006 before the Circle Officer, Sonapur, Kamrup, praying for authorizing to her the Swatantrata Sainik Samman Pension as was authorized to her parents.

4. The Government of Assam on processing of the application submitted by the petitioner, proceeded to authorize to her the due pension with effect from 03.12.2005. However, the Government of India had not authorized to her, its share of the said pension. The petitioner thereafter, took up the matter with the concerned authorities for being authorized the Swatantrata Sainik Samman Pension by the Government of India. The State respondents vide communication dated 23.02.2016 forwarded the proposal for authorization of the said pension in favor of the petitioner to the concerned authorities of the Government of India. The Government of India, thereafter, authorized to the petitioner the said pension with effect from 01.09.2015.

5. The petitioner not having been authorized the said pension by the Government of India with effect from 03.12.2005 by maintaining parity with the sanction made in this connection by the Government of Assam, the petitioner has instituted the present

proceedings.

6. Mr. S Barman, learned counsel, by reiterating the fact noticed hereinabove, has submitted that the authorities have not disputed the entitlement of the petitioner for being authorized the Swatantrata Sainik Samman Pension. He further submits that upon passing away of her mother, the petitioner had duly approached the authorities for being authorized the said pension and the Government of Assam had duly authorized to her the pension w.e.f 03.12.2005, however, the Government of India had not authorized its part of the pension only on the ground that the petitioner had not submitted any application before it for being authorized the said pension. Mr. S Barman, learned counsel submits that the petitioner was not in the knowhow of the procedure required to be followed for claiming the pension and was under the belief that she was only required to approach the authorities of the Government of Assam in this connection. He further submits that the Government of India had subsequently sanctioned the pension to the petitioner w.e.f 01.01.2015, basing on the proposal forwarded by the Government of Assam. Accordingly, he submits that the petitioner is required to be authorized the pension w.e.f 03.12.2005.

7. Mr. S.S Roy, learned Central Government Counsel, on instructions, has submitted that the application preferred by the petitioner having been received by the Central Government for authorization to the petitioner the said pension only in the year 2016, vide the communication dated 23.02.2016, the said pension was not permissible, in terms of the policy holding the field to be authorized

from a date prior to the date of receipt of the such application, however, the Central Government authorities had authorized to the petitioner, her pension, with effect from 01.09.2015.

8. I have heard the learned counsel for the parties and also perused the materials available on record.

9. The submissions made by the learned counsel for the parties as well as the materials brought on record reveal that the petitioner had duly approached the State respondents praying for authorization to her the Swatantrata Sainik Samman Pension upon the demise of her mother and the same was authorized to her by the Government of Assam with effect from 03.12.2005.

10. The petitioner contends that she was not in the knowhow that an application is also required to be so submitted to the Central Government authorities for being authorized the same pension by the Central Government. The materials brought on record reveal that the entitlement of the petitioner for being authorized the said pension is not disputed. The petitioner having been authorized the pension by the State government authorities with effect from 03.12.2005, this Court, in the given facts and circumstances of the case, is of the considered view that the Central Government authorities would also be required to authorize to the petitioner the said pension with retrospective effect i.e. with effect from 03.12.2005.

11. In view of the above, the present Writ Petition stands disposed of by directing the respondents No. 1 & 2 to deem the application submitted by the petitioner before the Government of

Assam authorities to be the application submitted before the Central Government authorities and authorize to the petitioner the Swatantrata Sainik Samman Pension with effect from the date following the date of demise of her mother i.e. with effect 03.12.2005.

12. The arrears, working out in this connection, be released by the respondent No. 1 & 2 to the petitioner within a period of 6(six) months from the date of receipt of a certified copy of this order.

13. With the above observations and directions, the present Writ Petition stands disposed of.

JUDGE

Comparing Assistant