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

Case No. : WP(C)/4554/2024

MARIYAM BEGUM
(90 PERCENT INTELLECTUAL DISABLE), REPRESENTED BY HER ELDER
SISTER NAMELY MAMINA BEGUM, D/O- LATE KARIM ALI, R/O- H/NO. 07,
F.A. AHMED ROAD, DWARANDHA, SIXMILE, GUWAHATI-22, ASSAM

VERSUS

THE STATE OF ASSAM AND 5 ORS
TO BE REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVT. OF
ASSAM, ANIMAL HUSBANDRY AND VETERINARY DEPARTMENT, DISPUR,
GUWAHATI-6.

2:THE JOINT SECRETARY TO THE GOVT. OF ASSAM
ANIMAL HUSBANDRY AND VETERINARY DEPARTMENT
DISPUR
GUWAHATI-6.

3:THE ACCOUNTANT GENERAL (A AND E)

ASSAM
MAIDAMGAON
BELTOLA
GUWAHATI-29.

4:THE DIRECTOR

DAIRY DEVELOPMENT
ASSAM
KHANAPARA
GUWAHATI-22.

5:THE SUPERINTENDENT

TOWN MILK SUPPLY SCHEME
KHANAPARA
GHY-22.

6:THE TREASURY OFFICER
DISPUR
P.O. AND P.S. DISPUR
DIST. KAMRUP(M)
ASSAM
PIN- 781006

Advocate for the Petitioner : MR. A M S MAZUMDER, MR. A M S MAZUMDER,MR. A Z AHMED

Advocate for the Respondent : SC, A.H and V. DEPT., SC, FINANCE,SC, AG

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : 08.09.2025

Heard Mr. M. Hussain, learned counsel for the petitioner; Ms. M.M. Kataki, learned Standing Counsel, Animal Husbandry and Veterinary Department for the respondent nos. 1, 2, 4 & 5; Mr. R. Boro, learned counsel representing Mr. C. Boruah, learned Standing Counsel, Accountant General for the respondent no. 3; Mr. A. Chaliha, learned Standing Counsel, Finance Department for the respondent no. 6.

2. The petitioner as a dependent unmarried daughter of the pensioner, Late Karim Ali is seeking family pension under Rule 143[i][a] and [ii][c] of the Assam Services [Pension] Rules, 1969.

3. The respondent no. 4 has filed an affidavit-in-opposition and in paragraph 4 thereof, the respondent no. 4 has averred as under :-

That with regard the statement made in para 3 of the writ petition the deponent begs to state that after retirement of a Govt. Servant, the pension papers are submitted to the Office of the Accountant General (AG), Assam wherein after its approval, the pension is drawn through the concerned Treasury vide the respective Bank. The Pension Payment Order (PPO) in due process of time thereafter is maintained by the respective Bank and the concerned Treasury. In this regard, the Department has no role as updates on the death of the retired employee is maintained by the concerned Bank. However, as the Petitioner remained silent on the event of the death of her father who died on 11.03.2016 and the Petitioner submitted her representation to the Superintendent, Town Milk Supply Scheme, Khanapara, Guwahati-22 where the said office forwarded her application on 06.10.2020. On receipt of the application, the Respondent no. 4 forwarded the representation of the Petitioner to the Govt vide this Office Letter No. DD/P-1/89/2020-21/2690 dated 31.10.2010 for taking further necessary action. Hence, the Respondent no. 4 is not liable and accountable regarding grant of family pension to the retired Govt. employee.

4. Mr. Boro, learned counsel representing respondent no. 3 has placed an Office Letter bearing no. Legal Cell/Pen-7/WP[C] NO.4554/2024/303 dated 27.12.2024. For ready reference, the contents of the Office Letter dated 27.12.2024 are referred to herein below :-

Sub : In the matter of WP[C] No. 4554/2024 Miss Mariyam Begum-vs-the SOA &

Ors.

Sir,

This refers to your letter dated 19/09/2024 on the subject cited above, I am to state that the Petition prayed before the Hon'ble High Court for granting her Life Time family pension for being disabled daughter w.e.f. 11-03-2016 i.e. from the date of death of her father instead of 02/05/2022 as issued from this end vide

PPO No. 905722293003. The Petitioner has also claimed for the arrear amount w.e.f. 11/03/2016 to 01/05/2022 as per provision of the Rule 143[i][a] and [ii][c] of the ASPR-1969.

The department while forwarding the Petitioner's pension case in terms of PPG Deptt's Notification dated 03/08/2017 has enclosed the recommendation of State Medical Board and therein it is seen that the Petitioner appeared before the State Standing Medical Board on 02/05/2022 [copy enclosed] for medical examinations and accordingly the Board recommended for Life Time Family Pension to her. Therefore, this Office issued the PPO to the Petitioner w.e.f. 02/05/2022 i.e. from the date of her appearance before the Board.

Position of the Office may be defended accordingly before the Hon'ble High Court.

5. The averments made in paragraph 4 in the affidavit-in-opposition of the respondent no. 4 are found to be irrelevant in the context of the case as the office of the Accountant General had already issued a Pension Payment Order in favour of the petitioner on 02.05.2022. One of the issues raised is with regard to the petitioner's claim for arrear amount w.e.f. 11.03.2016 to 01.05.2022.

6. In the above view of the matter, a response from the respondent no. 1 is found necessary. The respondent no. 1 is accordingly granted 2 [two] weeks' time to file an affidavit-in-opposition traversing he contentions made in the writ petition.

7. List the case on 15.10.2025.

JUDGE

Comparing Assistant