

GAHC010208622021



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

Case No. : WP(C)/6699/2021

SHILPI BEGUM LASKAR
W/O LATE MAHMUD HUSSAIN LASKAR, R/O VILL. BISHNUGARH, P.O.
LAKHIRBOND, PIN 788155, DIST. HAILAKANDI, ASSAM.

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE COMMISSIONER AND SECY. TO THE GOVT. OF
ASSAM, SECONDARY EDUCATION DEPTT., DISPUR, GUWAHATI 781006

2:THE DIRECTOR OF SECONDARY EDUCATION

ASSAM
KAHILIPARA
GUWAHATI 781019

3:THE DIRECTOR OF PENSION AND PUBLIC GRIEVANCES

ASSAM
DISPUR
GUWAHATI 781006

4:THE PRINCIPAL ACCOUNTANT GENERAL

A.G. OFFICE
BELTOLA
GUWAHATI

5:THE INSPECTOR OF SCHOOLS

HAILAKANDI DIST. CIRCLE
P.O. AND P.S. HAILAKANDI

DIST. HAILAKANDI
ASSAM
PIN 78815

Advocate for the Petitioner : MR. S NATH

Advocate for the Respondent : SC, SEC. EDU.

BEFORE
HONOURABLE MR. JUSTICE ACHINTYA MALLA BUJOR BARUA

O R D E R

07.02.2022

The petitioner to implead the Finance Department of the Government of Assam as respondent No. 6 in the writ petition.

Registry to incorporate necessary correction in the cause title of the writ petition.

Mr. P Nayak, learned counsel accepts notice on behalf of the newly impleaded respondent No. 6 being the Finance Department.

The husband of the petitioner who was serving as an Assistant Teacher in the Government Higher Secondary School, Hailakandi, died in harness on 28.06.2019. It is stated that had the husband of the petitioner survived, he would have otherwise retired from service in the year 2030. The petitioner is the beneficiary of the compassionate pension scheme adopted by the Government of Assam, under which, she is paid the full salary of the deceased husband and the full salary would be paid up to the date on which the husband of the petitioner would have otherwise retired from service. In other words, we have to understand that the full salary of the deceased husband that would have been paid had the husband been alive would be paid to the petitioner.

As the petitioner is the beneficiary of the compassionate pension scheme, which prima facie does not appears to be the pensionary benefits given to her under the Assam Services (Pension) Rules, 1969 and secondly as an amount is being paid in the form of compassionate pension scheme, the Finance Department shall file an affidavit stating their stand as to whether the DCRG is required to be paid in respect of the deceased employee on his death where the benefit of the compassionate family pension is made available at the time of his death or the DCRG is to be paid at the time when the deceased employee would have otherwise retired.

The affidavit be filed within two weeks.

List the matter after two weeks.

JUDGE

Comparing Assistant