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

Case No. : WP(C)/5627/2025

RAM SINGHA
S/O LT KUNJA BIHARI SINGHA R/O RONGHAR PT 1 PO BHANGARPAR PS
BORKHOLA SILCHAR DIST CACHAR PIN 788817

VERSUS

THE STATE OF ASSAM AND 8 ORS
REP BY THE COMMISSIONER AND SECRETARY EDUCATION ELEMENTARY
DEPTT GOVT OF ASSAM DISPUR GUWAHATI 6

2:THE COMMISSIONER AND SECRETARY
FINANCE DEPTT GUWAHATI 6

3:THE COMMISSIONER AND SECRETARY
ADMINISTATIVE REFORMS TRAINING PENSION AND PUBLIC GRIEVANCES
DEPTT GOVT OF ASSAM DISPUR GUWAHATI 6

4:THE DIRECTOR OF ACCOUNTS AND TREASURIES
ASSAM
KAR BHAWAN GANESHGURI GUWAHATI 6

5:THE DIRECTOR OF ELEMENTARY EDUCATION ASSAM
KAHILIPARA GUWAHATI 19

6:THE TREASURY OFFICER
SILCHAR
CACHAR ASSAM

7:THE DISTRICT ELEMENTARY EDUCATION OFFICER
SILCHAR

CACHAR ASSAM

8:THE DEPUTY INSPECTOR OF SCHOOLS
SILCHAR
CACHAR ASSAM

9:THE BLOCK ELEMENTARY EDUCATION OFFICER
KATIGORAH ASSAM

Advocate for : MR. M DUTTA

Advocate for : SC

ELEM. EDU appearing for THE STATE OF ASSAM AND 8 ORS

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 11.03.2026

Heard Mr. M. Dutta, learned counsel, appearing for the petitioner. Also heard Mr. P. Nayak, learned Additional Advocate General, Finance Department and Mr. P. K. Bora, learned Standing Counsel, Education Department.

The wife of the petitioner was a Government employee and a subscriber of NPS. The wife of the petitioner died in harness on 12.11.2018, thereafter, it is projected that the petitioner was paid a partial amount from the accumulated fund in the NPS account of his wife. It is further projected that when the petitioner was directed to refund the amount so deposited in his account he had inadvertently deposited the full amount accumulated in the NPS account of his wife i.e., Rs.4,65,599/- (Rupees Four Lakh Sixty Five Thousand Five Hundred Ninety Nine). It is also projected that the petitioner was also receiving family pension after the death of his wife w.e.f. January 2023 to August 2025. However, the said family pension was stopped and the same is projected to be on account of the conditions stipulated in the notification dated 27.09.2024.

Mr. M. Dutta, submits that the bar existing in Clause 2.1 would be attracted only in the event, the entire accumulated fund in the NPS account of the deceased Government employee was so withdrawn by the nominee. However, he reiterates that the petitioner was only given a part of the accumulated fund in the NPS account of the deceased Government employee.

Mr. P. Nayak, learned Additional Advocate General, submits that he be granted time till 25.03.2026 to ascertain the assertion made by the petitioner in the present writ petition that he was only authorized a part of the amount that was accumulated in the NPS account of the deceased employee.

Registry to list this matter again on **25.03.2026**, along with WP(C).No.1580/2025.

JUDGE

Comparing Assistant