

GAHC010226772025



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

**Case No. : WP(C)/6079/2025**

JAHANARA ROHMAN  
WIFE OF LATE DR. AHMED HADIUR RAHMAN, RESIDENT OF TITABAR  
ALI, NA-ALI, WARD NO. 6, P.O. TITABOR, DISTRICT- JORHAT, ASSAM. PIN-  
785630.

VERSUS

THE STATE OF ASSAM AND ORS  
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT OF  
ASSAM, DISPUR, GUWAHATI-6.

2:THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF ASSAM  
HEALTH AND FAMILY WELFARE DEPARTMENT  
DISPUR  
GUWAHATI-6.

3:THE DIRECTOR OF HEALTH SERVICES  
ASSAM  
HENGRABARI  
GUWAHATI.

4:THE JOINT DIRECTOR OF HEALTH SERVICES  
JORHAT  
ASSAM.

5:THE ACCOUNTANT GENERAL A AND E  
MAIDAMGAON  
BELTOLA  
GUWAHATI-29

**Advocate for the Petitioner : MR. M DUTTA, S DAS**

**Advocate for the Respondent : GA, ASSAM, SC, AG,SC, HEALTH**

**BEFORE  
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

**ORDER**

**10.11.2025**

Heard Mr. M Dutta, learned counsel for the petitioner. Also heard Ms. S. Sarma, learned Standing Counsel, Health Department, Mr. C Baruah, learned Standing Counsel, Accountant General (A&E) and Mr. D Bora, learned Government Advocate, for the respondent no.1.

Mr. M Dutta, learned counsel for the petitioner submits that the claim of Family Pension in respect of the deceased husband has not been released by the Department and therefore, the present writ petition has been filed.

Pursuant to the order dated 29.10.2025 Ms. S. Sarma, learned Standing Counsel, Health Department has placed before the Court a communication, whereby the Department has sought for the next of kin certificate from the petitioner which has not been submitted and therefore, the claim of family pension by the petitioner has not been processed.

Mr. M Dutta, learned counsel for the petitioner submits that earlier the next of kin certificate was issued by the Office of the SDO (Civil), Titabor in favour of the brother and nephew of the deceased husband of the writ

petitioner and on a complaint by the petitioner the same was revoked. No fresh next of kin certificate has yet been issued by the District Commissioner, Titabor.

Mr. M Dutta, learned counsel for the petitioner, on the other hand, has referred to the Section 148 of the Assam Services (Pension) Rules, 1969 to submit that upon the death of the Government servant the Department is required to request a formal application for the claim of family pension. It is submitted that the said communication was never issued to the writ petitioner.

Upon considering the submissions made by the learned counsel for the parties, this Court sought for information regarding the nominee of the writ petitioner, if any, in the records of the Department.

Ms. S. Sarma, learned Standing Counsel, Health Department submits that she would like to obtain instructions in this regard.

Accordingly, let this matter be listed again on 28.11.2025.

**JUDGE**

**Comparing Assistant**