

GAHC010286192025



2026:GAU-AS:723

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

Case No. : WP(C)/154/2026

BISMITA SAIKIA
D/O- LATE TRIDIP SAIKIA, R/O COTTON ROAD, HAZARIKA CHOWK,
TEZPUR- 784001, DIST. SONITPUR, ASSAM.

VERSUS

THE STATE OF ASSAM AND 3 ORS
THROUGH THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF
ASSAM, HOME AND POLITICAL AFFAIRS DEPARTMENT, DISPUR,
GUWAHATI- 781006

2:THE DIRECTOR GENERAL OF POLICE
ASSAM
ULUBARI
GUWAHATI- 781007

3:THE SUPERINTENDENT OF POLICE
SONITPUR
TEZPUR
DIST.- SONITPUR
ASSAM
PIN- 784001

4:THE ACCOUNTANT GENERAL (A AND E)
ASSAM
MAIDAMGAON
BELTOLA
GUWAHATI- 78102

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

For the petitioner (s) : Ms. S. Chanda, Advocate

For the respondent (s) : Mr. D. Borah, Advocate
Mr. C. Baruah, Advocate

Date on which judgment is reserved : NA

Date of pronouncement of judgment : 21.01.2026

Whether the pronouncement is of the
Operative part of the judgment? : NA

Whether the full judgment has been
Pronounced? : Yes

JUDGMENT AND ORDER (ORAL)

Heard Ms. S. Chanda, the learned counsel appearing on behalf of the petitioner. Mr. D. Borah, the learned counsel appears on behalf of the respondent Nos.1 to 3 and Mr. C. Baruah, the learned counsel appears on behalf of the respondent No.4.

2. The petitioner is aggrieved by the inaction on the part of Respondent Authorities in disbursing the family pension to the petitioner who claims to be a divorced dependent daughter of one Tridip Saikia (since deceased).

3. The brief facts of the case as would be apparent from the materials on record is that the petitioner's father Late Tridip

Saikia retired from the establishment of respondent No.3 on 28.02.2002 upon attaining the age of superannuation. After retirement, Late Tridip Saikia was paid pension vide PPO No.TEZ/73109. The petitioner got married to one Pranjal Dutta on 18.01.2009, but the said marriage was dissolved by the judgment and decree dated 15.09.2014 passed by the learned Principal Judge, Family Court No.1 Kamrup, Guwahati in F.C. (Civil) No.136/2010, whereby a decree of divorce was granted in favour of the husband of the petitioner. An Appeal thereagainst was preferred being Mat. Appeal No.12/2015 by the petitioner. However, the said Appeal was dismissed vide the judgment and order dated 24.06.2015 thereby confirming the judgment dated 15.09.2014 passed by the learned Principal Judge, Family Court No.1, Kamrup, Guwahati in F.C. (Civil) No.136/2010.

4. It is the further case of the petitioner that upon the dissolution of the marriage, the petitioner started residing with her parents. The mother of the petitioner predeceased her father Late Tridip Saikia who expired on 04.04.2022. Thereupon, the petitioner, being the dependent divorced daughter of Late Tridip Saikia had applied for family pension. However, the Respondent Authorities have not considered the request of the petitioner, and it is under such circumstances, the petitioner has approached this Court.

5. Ms. S. Chanda, the learned counsel appearing on behalf of the petitioner submitted that along with the petitioner, there is another sibling, i.e. her sister who is presently married, and under such circumstances, the petitioner, being the divorced dependent daughter of Late Tridip Saikia has the sole entitlement to the family pension.

6. This Court has duly taken note of that the petitioner has also submitted a representation, which, however, has not been considered till date.

7. This Court has also heard the learned counsels appearing on behalf of the respondents who fairly submitted that a divorced dependent daughter would be entitled to the family pension subject to a declaration being submitted by the petitioner that she was the dependent divorced daughter of Late Tridip Saikia during his lifetime. The learned counsel for the respondents further submitted that the learned Coordinate Benches of this Court have passed certain directions in respect to similar issues. The following directions in the case of ***Dipshikha Biswas vs. the State of Assam & Others*** in WP(C) No.7077/2025 being relevant is reproduced herein below:-

“8. This Court, a co-ordinate Bench upon considering the matter in its entirety held as under:

i. This Court is of the view that since the intention of the Legislature is to support a dependent daughter who is unmarried and the emphasis is on the dependency of such daughter upon the deceased Government Servant, the same benefit may be extended to a divorced dependent daughter. This Court is of the view that there will not be a major difference between an unmarried or a divorced daughter as the pivotal ground is the ground of dependency. This Court has also noticed that being an unmarried daughter, per se shall not make such a daughter eligible for the family pension and it would be incumbent upon such unmarried daughter to establish her dependency on the deceased Government Servant, juxtaposition a divorced daughter, such obligation would still remain and may be perhaps with some additional conditions connected to receipt of alimony etc. which has been indicated above. In the instant case, This Court has also noticed that the divorce was on 24.09.2014 and the Scheme had undergone the amendment on 14.09.2017 and the death of the mother was on 17.10.2018. Therefore, there is no manner of doubt regarding the applicability of the amended Scheme in the context of the various dates of the present case.

ii. This Court is also guided by the observations of the Hon'ble Supreme Court while dismissing the SLP filed by the Union of India in the case of Khajani Devi (Supra) which records that the order recognizing the right of the divorcee dependent

daughter to receive the benefit adopts a progressive and socially constructive approach to a daughter who was divorced treating her at parity with the unmarried daughter.

iii. In that view of the matter, this Court is of the view that the petitioner, who is a divorced daughter and was dependent on her deceased mother is entitled to the family pension subject to the condition that the authorities may be satisfied on the dependency factor by incorporating additional queries, as may deem fit and appropriate."

8. It is the opinion of this court that the petitioner herein being similarly situated would also be entitled to similar reliefs subject to the necessary verifications.

9. Accordingly, this Court therefore disposes of the instant writ petition thereby directing the Respondent Authorities to consider the case of the petitioner for grant of family pension in view of the expiry of her father, Late Tridip Saikia, who expired on 04.04.2022 by making necessary verification into the dependency factor. The said exercise be completed within a period of three months from the date a certified copy of this order along with the declaration as regards the dependency is submitted by the petitioner to the respondent No.3.

JUDGE