
(2020) 09 GAU CK 0031
In the Gauhati High Court
Case No : Case No. : WP(C) 3675 Of 2020

Dharmeswari Borah

APPELLANT

Vs

Union Of India And 4 Ors

RESPONDENT

Date of Decision : 29-09-2020

Acts Referred:

Citation : (2020) 09 GAU CK 0031

Hon'ble Judges : Achintya Malla Bujor Barua, J

Bench : Single Bench

Advocate : S B Choudhury

Final Decision : Disposed Off

Judgement

1. Heard Ms. S.B. Choudhury, learned counsel for the petitioner. Also heard Ms. B. Sarma, learned counsel for the respondent.
2. The father of the petitioner late Dalim Chandra Borah who was an employee bearing MES 233684 Mate of GE AF, Tezpur in the Office of the Garrison Engineer, Air Force, Tezpur, died on 17.05.1991 while he was in service. Upon his death, the mother of the petitioner late Panoi Borah was paid the family pension vide PPO bearing CC DA (P) Allahabad No.C/Engrs/334/1992 dated 25.03.1992. The mother of the petitioner died on 12.07.1993 leaving behind the petitioner who is an unmarried daughter and a son namely Sri Jajneswar Borah.
3. On the death of the mother, the family pension was paid to Shri Jajneswar Borah upon no objection being issued by the petitioner. In 1997, Shri Jajneswar Borah had got employment as Grade-IV in the Darrang College and at present he is 58 years and also married. But the petitioner remains unmarried and she is also unemployed.
4. The petitioner claims that she being the unmarried and unemployed daughter of late Dalim Chandra Borah is entitled to receive family pension under the Rules. In the circumstance, a representation dated 16.07.2020 was submitted before

the respondent No.4 the Chief Engineer, Purv Kaman Mukhalaya, H.Q- Eastern Command, Abhayata Shakha, Fort William, Calcutta-21.

5. This writ petition is instituted on the grievance that in spite of such representation dated 16.07.2020 being submitted, no consideration has been given by the respondent authorities. Without expressing any view on the merit of the claim of the petitioner to receive the family pension, we are of the view that the petitioner atleast have a legal right that her representation be considered and an order be passed thereon.

6. Accordingly, the writ petition is disposed of directing the respondent No.4 to give a consideration to the representation dated 16.07.2020 of the petitioner and pass a reasoned order. However, it is made clear that by requiring the respondent No.4 to give a consideration, it is not to be construed that it is a direction of the Court to pay family pension to the petitioner. The requirement of this order is that the Chief Engineer would apply his own mind to the representation of the petitioner and consider the claim on its own merit as per the prevailing rules and regulation and if entitled, the appropriate order be passed.

7. The requirement be done within a period of 2 months from the date of receipt of the certified copy of the order.

Writ petition stands disposed of.