

Serial No.32
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C). No. 495 of 2018

Date of Order: 16.08.2019

Smti. Kabutri Devi Vs. Union of India & Ors.

Coram:

Hon'ble Mr. Justice Ajay Kumar Mittal, Chief Justice

Appearance:

For the Petitioner/Appellant(s) : Mr. R.Jha, Adv.

For the Respondent(s) : Mrs. R.Dutta, Adv.

ORAL

1. The petitioner has approached this Court by way of present writ petition filed under Article 226 of the Constitution of India claiming that the respondents have not granted maintenance to the petitioner as required under Section 69 (i) of the Assam Rifles Act, 2006. It has been claimed that the respondent- Assam Rifles was required to deduct the amount of maintenance allowance from the salary of the husband of the petitioner.

2. Briefly the relevant facts may be noticed. The petitioner moved an application for maintenance allowance to be paid from the salary of her husband by the Directorate General of Assam Rifles, Shillong on 24-09-2019 which was forwarded to the Headquarters Inspector General Assam Rifles (South)/ Headquarters 9 Sector Assam Rifles and 23 Assam Rifles for appropriate action. As per Annexure-IV on 09-11-2018, the petitioner was required to submit certain documents which had not been furnished by the petitioner so far. It was stated that in the absence of those required documents, the maintenance application of the petitioner cannot be processed.

3. It was not disputed that respondent No. 6, husband of the petitioner has superannuated on 01-01-2019. As per the documents appended along with the writ petition, the respondents had at no point of time



declined/rejected the claim of the petitioner under Section 69 (i) of the Assam Rifles Act, 2006. Thus, there is no cause of action as at present and the writ petition is premature.

5. Accordingly, the writ petition is dismissed.

(Ajay Kumar Mittal)
Chief Justice

Meghalaya
16.08.2019
"Samantha PS"

