

**IN THE SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION
(SPECIAL ORIGINAL JURISDICTION)**

Present:
Justice Sheikh Abdul Awal
And
Justice S.M. Iftekhar Uddin Mahamud

Writ Petition No. 2667 of 2019

In the matter of:

An application under Article 102 of the Constitution of the People's Republic of Bangladesh.

And

In the Matter of:

Mst. Tahera Khatun

..... Petitioner.

-Versus-

Government of Bangladesh represented by the Secretary, Ministry of Liberation War Affairs and others.

.....Respondents.

Mr. Sufia Ahammed with

Ms. Nilufar Yesmin (Lina), Advocates

..... For the Petitioner

Mr. A.K.M. Rezaul Karim Khandaker, D.A.G

Mr. Md. Manowarul Islam Uzzal, A.A.G with

Mr. Md. Mokhlesur Rahman, A.A.G. with

Ms. Papia Sultana, A.A.G

..... For the respondents.

Heard on 10.12.2025, 12.01.2026 and

Judgment on 18.01.2026

Sheikh Abdul Awal, J:

On an application under Article 102 of the Constitution of the People's Republic of Bangladesh, this Rule Nisi was issued

calling upon the respondents to show cause as to why the purported arbitrary action of the respondents in stopping the monthly state honorarium of the petitioner from August, 2016 onwards should not be declared to be without lawful authority and is of no legal effect and as to why a direction should not be given upon the respondent No.6 to provide the monthly state honorarium to the petitioner from August, 2016 onwards and/or such other or further order or orders passed as to this Court may seem fit and proper.

The brief fact relevant for disposal of this Rule is that the petitioner's husband late Baharamuddin was a valiant freedom fighter, who fought for the independence of this country in 1971. It has been alleged that during liberation war the petitioner's husband participated in so many war and at one stage he became injured and due to contribution in the liberation war, the petitioner's husband name had been published in Lal Muktibarta as injured freedom fighter being serial No. 405070011 (Annexure-A-2). Thereafter, so many authorities concerned including Ministry of Liberation War Affairs and Bangladesh Muktijoddha Songshad, Central Command Council (wherein counter signed by the then Prime Minister Sheikh Hasina) issued certificates in favour of petitioner's husband, Baharamuddin recognizing him as an injured freedom fighter (Annexure-B&C) and thereafter, his name was published in the civil gazette as a freedom fighter on 14.05.2005 by the Ministry of Liberation War Affairs being civil gazette No. 1894, page No. 3356 (Annexure-A-3) and he started to get state honorarium as an injured freedom fighter. In

this background, the petitioner's husband died on 29.09.2013 leaving behind his wife and 2 children as his legal heirs. Thereafter, the petitioner as wife of deceased freedom fighter filed an application before the authority concerned for getting state honorarium of her deceased husband and accordingly she started to get state honorarium on behalf of her deceased husband till August, 2016 and thereafter, her state honorarium was stopped without assigning any reasons or without issuing any show cause notice upon the petitioner. In that attending facts and circumstances the petitioner made a representation to the respondent No. 4, Jatio Muktijoddha Council (JAMUKA) as evidenced by "Annexure-I" to the writ petition but the JAMUKA kept silent over the matter.

Aggrieved thereby finding no other alternative way the petitioner has come before this Court and obtained the present Rule Nisi.

Ms. Sufia Ahammed, the learned Advocate appearing for the petitioner submits the petitioner's husband late Baharamuddin was a valiant freedom fighter, who fought for this soil in the liberation war and during liberation war he became injured as a result of which his name was published in the Lal Muktibarta as an injured freedom fighter. The learned Advocate further submits that due to contribution in the liberation war so many authorities issued certificates recognizing the husband of the petitioner as a freedom fighter which annexed in the writ petition as Annexures and his name was published in Civil Gazette as a freedom fighter. The learned Advocate further submits, it is on record that the

petitioner's husband got state honorarium till his death on 29.09.2013 and after the death of freedom fighter, Baharamuddin, the petitioner as wife got state honorarium in favour of her deceased husband till 28.08.2016 but JAMUKA without assigning any reasons whatsoever or issuing any notice upon the petitioner stopped the state honorarium. Against which the petitioner gave representation before the JAMUKA on 05.02.2019 in a vain and in the attending facts and circumstances of the case, the Rule is liable to be made absolute. The learned Advocate further submits that law is by now well settled that the state honorarium is a clear recognition and once the state honorarium is given as freedom fighter, the same cannot be stopped on fancy will of the authority and as such, a direction may be given to pay state honorarium regularly in favour of the petitioner. Finally, the learned Advocate submits that Lal Muktibarta, Civil Gazette and other documents clearly manifested that the husband of the petitioner was an injured freedom fighter and as such, the decision taken by the respondents is liable to be declared to be without lawful authority and is of no legal effect

Mr. A.K.M. Rezaul Karim Khandaker, the learned Deputy Attorney General, appearing for the State simply opposes the Rule. However, he submits that in the facts and circumstances and law bearing on the subject the petitioner is not entitled to get any arrear of state honorarium whatsoever.

Having heard the learned Advocate for the petitioner and the learned Deputy Attorney General and having gone through

the writ petition and other relevant documents as placed before this Court.

On a scrutiny of the record, it appears that in this case the petitioner's husband, Baharamuddin as a Freedom Fighter fought in the liberation war, held in 1971 and at one stage in the battle field he became injured and thus, his name was published in Lal Mukti Mukti Barta being serial No. 405070011 as an injured Freedom Fighter (Annexure-A-2) and thereafter, his name was published in the civil gazette as a freedom fighter on 14.05.2005 by the Ministry of Liberation War Affairs being civil gazette No. 1894, page No. 3356 (Annexure-A-3) and he started to get state honorarium as an injured freedom fighter.

It is found that petitioner's husband died on 29.09.2013 (Annexure-F) and after his death on the basis of an application submitted by his wife (petitioner), she started to get state honorarium on behalf of her deceased husband till August, 2016. It further appears that the JAMUKA without assigning any reason or without issuing any show cause notice upon the petitioner abruptly stopped the state honorarium of the petitioner from September, 2016 and in the attending circumstances the petitioner made representation to the respondent No. 4, Jatio Muktijoddha Council (JAMUKA) for re-opening the state honorarium (Annexure-I) but the JAMUKA kept silent over the matter.

Considering all these facts and circumstances of the case as revealed from the materials on record, we find no cogent reasons whatsoever as to why the respondents stopped the state honorarium of the petitioner. The state honorarium should not

be canceled without sufficient cause, as this principle aligns with professional courtesy and contractual fairness. State honorarium is a payment for special or occasional work, and canceling it arbitrarily would be a breach of the implied or explicit agreement between the payer and the recipient. Therefore, we are of the view that the decision of the respondents to stop payment state honorarium of the petitioner is not based on relevant factors. The decision was taken without considering the proper, appropriate, and important considerations that should have guided its creation. This lack of basis in relevant factors indicates the notification was arbitrary, malafide, and potentially discriminatory, making it legally flawed and subject to being declared without lawful authority.

In the result, the Rule Nisi is made absolute. The respondents are directed to pay monthly state honorarium to the petitioner, as wife of deceased freedom fighter, Baharamuddin from the date of the receipt of this judgment in accordance with law.

In the facts and circumstances of the case there will be no order as to costs.

Communicate this order to the respondents at once.

S.M. Iftekhar Uddin Mahamud, J:

I agree.