

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

WRIT PETITION NO. 7426 of 2020

IN THE MATTER OF:

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

IN THE MATTER OF:

Md. Haider Ali Molla @ Haider Ali Molla
..... Petitioner.

-Versus-

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

..... Respondents.

Mr. Motiur Rahman, Advocate.

..... For the petitioner.

Mr. Mohammad Mohsin Kabir, DAG with
Mr. A.K.M. Rezaul Karim Khandaker, D.A.G
Ms. Shaheen Sultana, AAG and
Mr. Md. Manowarul Islam Uzzal, A.A.G with
Mr. Md. Mukhlesur Rahman, A.A.G.

..... For the respondents.

Heard on 18.11.2025, 24.11.2025 and

Judgment on: 03.12.2025.

Present:

Mr. Justice Sheikh Abdul Awal

And

Mr. Justice S.M. Iftekhar Uddin Mahamud

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 stoppage

the honorarium of the petitioner being Freedom Fighter Provisional Certificate No. স- ৪৩৮৭৪ তারিখ ১৩/০১/২০০৪ ইং by respondent Nos. 5 and 7 without prior show cause notice should not be declared to have been done without lawful authority and is of no legal effect and as to why the respondents should not be directed to continue in paying the said honorarium and other benefits to him with arrears and to publish the name of the petitioner in the official gazette of the freedom fighters as per the report of 2017 of the Upazila Scrutiny Committee, Kahsiani, Gopalganj (Annexure-G) and/or such other or further order or orders passed as to this Court may seem fit and proper.

The facts of the case as stated in the writ petition briefly are that the petitioner, Md. Haider Ali Molla as freedom fighter fought for this country in the liberation war, held in 1971. Due to his contribution in the liberation war General Muhammad Ataul Gani Osmani (M.A.G. Osmani) issued a certificate in favour of the petitioner (Annexure-B) recognizing the petitioner as freedom fighter. The petitioner got provisional certificate as a Freedom Fighter from the Ministry of Liberation War Affairs (Annexure-A) and other fellow freedom fighters also issued certificates in favour of the petitioner recognizing him as freedom fighter (Annexure-F, F-1 and F-2). It is further stated that the petitioner handed over his weapon namely, SMG and 3 round cartridges to the In-charge of the Mujib Bari police station on 23.01.1972 (Annexure-E). Thereafter, his name was published in the website of the Ministry of Liberation War Affairs (Annexure-D). In this background the Government of Bangladesh allowed monthly state honorarium in favour of the

petitioner by issuing bhata book (Annexure-H) and thereafter, the authority (Respondent No.1) stopped the honorarium of the petitioner without issuing any show cause notice whatsoever.

Against which the petitioner filed an application before the JAMUKA in 2020 but the said application has not yet been disposed of.

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

Mr. M.M.G. Sarwar, the learned Advocate appearing for the petitioner submits it is on record that the petitioner fought for this soil in the liberation war and due to his contribution in the liberation war so many authorities including Commander of Defence Forces during liberation war in Bangladesh, General Muhammad Ataul Gani Osmani as issued certificate (Annexure-B) recognizing the petitioner as a freedom fighter and the petitioner got provisional certificate as a Freedom Fighter from the Ministry of Liberation War Affairs (Annexure-A). The learned Advocate further referring section 2(10) of the Ordinance No. 29 of 2025 of জাতীয় মুক্তিযোদ্ধা কাউন্সিল আইন, ২০২২ submits that according to the said Ordinance the petitioner's position falls within the definition of a freedom fighter. The learned Advocate further submits that the petitioner due to his contribution in the liberation war started to get state honorarium since 17.04.2014 through bhata book but JAMUKA without assigning any reason whatsoever stopped the honorarium of the petitioner and thereafter the petitioner filed an application before the JAMUKA in 2020 in a vain and

in the facts and circumstances of the case the Rule is liable to be made absolute.

Mr. A.K.M. Rezaul Karim Khandaker, the learned Deputy Attorney General, on the other hand, simply opposes the Rule.

Having heard the learned Advocate for the petitioner and the learned Deputy Attorney General and having gone through the writ petition, its annexures and other relevant documents as placed before this Court.

On a scrutiny of the record, it appears that in this case the petitioner as a Freedom Fighter fought in the liberation war, held in 1971 and thereafter, the Government of Bangladesh as well as so many authorities including the Commander of Defence Forces General Muhammad Ataul Gani Osmani(M.A.G. Osmani) issued certificate in his favour recognizing him as a Freedom Fighter (Annexure-A, B, F, F-1 and F-2) and his name also published in the website of the ministry of Liberation War Affaris (Annexure-D) as Freedom Fighter. It further appears that after the liberation war the petitioner handed over his war weapon namely, SMG and 3 ammunitions to the In-charge of the Mujib Bari Thana on 23.01.1972 (Annexure-E). It is also found that the petitioner started to get state honorarium as freedom fighter from 17.04.2014 through bhata book issued by the Government (Annexure-H) and thereafter the authority of JAMUKA without assigning any reason or issuing any show cause notice abruptly stopped the state honorarium of the petitioner.

On a query from the Court the learned Deputy Attorney General submits that appeal filed by the petitioner in 2020

which is old one and now a days it is very difficult on the part of the respondent No.1 as well as JAMUKA to detect the whereabouts of the appeal and thus he could not give any answer as to the exact position of the appeal. He, however, concedes that stopping a state honorarium without issuing a show-cause notice is a violation of the principles of natural justice and is likely illegal.

Considering all these facts and circumstances of the case as revealed from the materials on record, we find no cogent reason as to why the respondents stopped the state honorarium of the petitioner. A 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 decision taken by the respondents stopping the payment of the state honorarium of the petitioner is declared to have been made without lawful authority and is of no legal effect and the

respondents are directed to pay monthly sate honorarium to the petitioner as a Freedom Fighter 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.