

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

Present:

Ms. Justice Naima Haider
And
Ms. Justice Kazi Zinat Hoque

Writ Petition No. 13174 of 2019

With

Writ Petition No. 13314 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 :

Md. Monjurul Hasan

..... Petitioner
(In W.P. No.13174)

Abdul Majid Sheikh

..... Petitioner
(In W.P. No.13314)

-VERSUS-

Government of People's Republic of Bangladesh,
represented by the Secretary, Ministry of Liberation
War Affairs, Sarkari Paribahan Pool Bhaban
Bangladesh Secretariat, Link Road, Ramna, Dhaka and
others.

..... Respondents

Mr. Md. Nurul Islam Chowdhury, Advocate

..... For the Petitioner

Mr. Amit Das Gupta, Deputy Attorney General with
Mr. Md. Taufiq Sajawar Partho, AAG

.... For the respondents

Date of Hearing : 08.02.2024.

Date of Judgment: 20.02.2024.

Kazi Zinat Hoque, J :

Since these Writ Petitions involve common factual
and legal aspects these Rules are being disposed of by a single
judgment.

The respective Rule Nisi has been issued calling upon the respective respondents to show cause as to why the purported arbitrary action of the respondents in stopping the Monthly State Honorarium benefit of the respective petitioner from 5th July, 2015 and onwards should not be declared to have been passed without lawful authority and is of no legal effect and as to why a direction should not be given upon respondent No.6 to provide the monthly State Honorarium benefit to the respective petitioner from 5th July, 2015 and onwards and/or pass such other or further order or orders as to this court may seem fit and proper.

The respective petitioner is a freedom fighter whose name was enlisted in respective Mukti Barta (Annexure-A). The Ministry of Liberation War Affairs issued a Provisional Certificate in the name of the respective petitioner. The respective petitioner actively participated in the Liberation War under the leadership of Commander of Hemayet Bahini in Sector Nos. 8 and 9. The government has granted monthly State Honorarium to the respective petitioner since 2003 and the respective petitioner received monthly State Honorarium till 01.06.2015. However, all on a sudden the State Honorarium has been stopped. The respective petitioner submitted a representation for paying the allowance before the concerned

authority. However, respondents have not taken any step in this regard. Finding no other alternative the respective petitioner filed respective writ petition for direction upon the respondents to provide monthly State Honorarium to the respective petitioner from 05th July, 2015 and onwards.

Mr. Md. Nurul Islam Chowdhury, learned Advocate for the petitioners, submitted that the petitioners actively participated in the War of Liberation under the leadership of the Commander of Hemayet Bahini. In recognition of their active participation in the Liberation War the government granted monthly State Honorarium. However, the government, abruptly and illegally without showing any show cause notice most arbitrarily stopped the Monthly State Honorarium benefits of the respective petitioner from 5th July, 2015. Therefore, the respondents should be directed to provide monthly State Honorarium to the respective petitioner from 05th July, 2015 and onwards.

On careful perusal of Annexure-B of the respective writ petition it is evident that the Ministry of Liberation War Affairs issued a Provisional Certificate in the name of the respective petitioner. From Annexure-E it is evident that the Commander of Hemayet Bahini issued certificate in favor of the respective petitioner stating that the respective petitioner actively

participated in the Liberation War under the command of the Commander of Hemayet Bahini. On careful perusal of the Annexure-G of the respective writ petition it is evident that the government paid Monthly State Honorarium to the respective petitioner till June, 2015. However the respondents without showing any show cause notice upon the respective petitioner most arbitrarily stopped the Monthly State Honorarium from 5th July, 2015.

It is settled principle of law that any benefit given in favour of any person cannot be curtailed or taken away by any authority without hearing that person. The respondents stopped the respective petitioner's Muktijhudda Shammani Bhata (মুক্তিযোদ্ধা সম্মানী ভাতা) without issuing any show cause notice or hearing the respective petitioner in violation the principle of natural justice.

In the facts and circumstances stated above, we find merit in the Rule.

In the result, the Rules are made absolute. Stoppage of the Monthly State Honorarium benefit of the petitioners from 5th July, 2015 and on wards is declared to have been done without lawful authority.

The respondent No.6 is directed to provide the monthly State Honorarium benefit to the petitioners from 5th July 2015

and onwards within 60 (sixty) days from the date of receipt of a copy of this judgment.

There is no order as to cost.

Transmit a copy of this judgment to the concerned respondents at once.

(Kazi Zinat Hoque, J):

I agree

(Naima Haider, J):