

**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. 1790 of 2024

In the matter of:

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

And

In the Matter of:

Nur Alam Khan

..... Petitioner.

-Versus-

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

.....Respondents.

Mr. Khondaker Iqbal Ahmed, Advocate

..... For the Petitioner

Mr. Md. Mohsin Kabir, D.A.G with

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

Ms. Shahin Sultana, A.A.G with

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

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

... For the Government-Respondents.

Heard on 06.11.2025 and

Judgment on 16.11.2025

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 stoppage

of allowance of the petitioner as Freedom Fighter without complying the provisions of law and the impugned Memo No. 48.00.0000.006.10.001.23.1152 dated 28.08.2023 issued by the respondent No.3 refusing to pay arrear of honorarium of the petitioner as Freedom Fighter from July/2017 to December/2021 in spite of continuation of his Freedom Fighter status (Annexure-H) should not be declared to have been issued without any lawful authority and is of no legal effect and as to why a direction should not be given upon the respondents to disburse arrears of Freedom Fighter allowance from July/2017 to December/2021 to the petitioner 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 is freedom fighter, who fought for the country in the liberation war of Bangladesh. Due to his contribution in the liberation war so many authorities of liberation war issued certificates in favour of the petitioner recognizing him as a genuine freedom fighter including Ministry of Liberation War Affairs. His name also published in Civil Gazette as freedom fighter and thereafter he started to get state honorarium since July, 2002 but on the basis of an application filed by a 3rd party his honorarium was stopped since July, 2017 to December, 2021 and thereafter respondent No.3, Ministry of Liberation War Affairs after scrutiny into the matter found the petitioner is a genuine freedom fighter and again started to pay state honorarium in his favour since January, 2022. In this background inspite of repeated prayers /requests respondent No. 3 did not pay any arrear of state honorarium to the present petitioner.

Aggrieved petitioner then preferred this Writ Petition and obtained the present Rule.

Mr. Khondaker Iqbal Ahmed, the learned Advocate appearing for the petitioner at the very outset submits that the petitioner is an actual freedom fighter, who fought for this country during the liberation war and his name was published in Bangladesh Civil Gazette as Freedom Fighter and the petitioner also having started to get honorarium since July, 2002 although on the basis of an application filed by a 3rd party his honorarium was stopped since July, 2017 to December, 2021 and thereafter respondent No.3, Ministry of Liberation War Affairs after scrutiny of the matter found the petitioner is a genuine freedom fighter and thereafter again respondent No.3, Ministry of Liberation War Affairs started to pay state honorarium in his favour since January, 2022 and in the facts and circumstances of the case the petitioner is entitled to get arrear of state honorarium since July, 2017 to December, 2021. Finally, the learned Advocate submits that the respondents allowed arrear of state honorarium in favour of so many freedom fighters but the reasons best known to the respondents as to why they did not give arrear of state honorarium to the present petitioner and in the facts and circumstance, the petitioner is entitled to get his arrear of state honorarium.

Mr. Mohammad Mohsin Kabir, the learned Deputy Attorney General, on the other hand, opposes the Rule. He referring to section 9 of বীর মুক্তিযোদ্ধা সম্মানি ভাতা বিতরণ আদেশ, ২০২০ submits that as per the provision of section 9 of Bir Muktijoddha Sammani Bhata Bitaron Adesh, 2020 there is no legal scope to pay lump arrear of state honorarium for several years or arrear for several months beyond the financial year in favour of any freedom fighter whatsoever. He adds it is on record that at the relevant time the freedom fighter ship certificate of the petitioner was suspended and

as such, the petitioner cannot be legally claimed his arrear of state honorarium.

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 documents including the relevant law.

To cut short the matter, we like to quote hereunder the provision of section 9 of বীর মুক্তিযোদ্ধা সম্মানি ভাতা বিতরণ আদেশ, ২০২০ which reads as follows:

৯(৫) প্রতি মাসে সম্মানি ভাতা প্রদান করিতে হইবে, তবে কোনো বীর মুক্তিযোদ্ধা বা সুবিধাভোগী তাঁহার নামে বরাদ্দকৃত সম্মানি ভাতা সংশ্লিষ্ট অর্থ বৎসরের একাধিক মাসের জন্য একইসাথে দাবি বা উত্তোলন করিতে পারিবেন:

তবে শর্ত থাকে যে, কোনো বীর মুক্তিযোদ্ধা বা সুবিধাভোগী সংশ্লিষ্ট অর্থ বৎসর ব্যতীত পর্ববর্তী অর্থ বৎসরের কোনো বকেয়া সম্মানি ভাতা দাবি করিতে পারিবেন না।

From a plain reading of the above quoted provisions of section 9 of Bir Muktijoddha Sammani Bhata Bitaron Adesh, 2020, we find a clear view of law that as per the provision of section 9 of Bir Muktijoddha Sammani Bhata Bitaron Adesh, 2020 there is no legal scope to pay lump arrear of state honorarium for several years or arrear for several months beyond the financial year in favour of any freedom fighter and therefore, the petitioners is not entitled to get arrear of monthly state honorarium since July, 2017 to December, 2021. There is indeed no legal scope for the retroactive payment of arrears of state honorarium for several years or arrear for several months beyond the particular financial year in lump.

Moreover, the learned Deputy Attorney General referring to the annexures of the writ petition submits that at the relevant time petitioner's freedom fighter ship certificate was suspended due to investigation and as such, he cannot claim his state honorarium during suspended period of his freedom fighter ship certificate. This

submission of the learned Deputy Attorney General does not appear to be without substance. Therefore, we find no substance in either of the contentions as raised by the learned Advocate for the petitioner.

In view of our discussions made in the foregoing paragraphs and law bearing on the subject it is by now clear that the instant Rule must fail.

In the result, the Rule is discharged. In the facts and circumstances of the case there will be no order as to costs.

Communicate this order.

S.M. Iftekhar Uddin Mahamud, J:

I agree.