

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

WRIT PETITION NO. 11235 of 2023

IN THE MATTER OF:

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

IN THE MATTER OF:

Md. Sahabuddin.

..... Petitioner.

-Versus-

The Secretary, Ministry of Liberation
War Affairs and others.

..... Respondents.

Shahjada Al Amin Kabir, Advocate

..... For the petitioner.

Mr. Mohammad Mohsin Kabir, DAG with
Mr. A.K.M. Rezaul Karim Khandaker, D.A.G

Ms. Shaheen Sultana, AAG with

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

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

..... For the respondents.

Heard and Judgment on: 18.12.2025.

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 the

inaction of the respondent No.4 in disposing the application dated 31.05.2021 (Annexure-E) filed by the petitioner challenging the dissenting decision passed by the Upazilla Jachai-Bachhai Committee of freedom fighters of Narayangonj Sadar, Narayangonj should not be declared to have been made without any lawful authority and is of no legal effect and/or such other or further order or orders passed as to this Court may seem fit and proper.

Mr. Shahjada Al Ali Kabir, the learned Advocate appearing for the petitioner at the very outset submits that in the attending facts and circumstances he does not want to press the Rule dated 10th September, 2023 and then submits that he wants to press the supplementary Rule dated 23.04.2025.

On an application for issuance of supplementary Rule, a supplementary Rule Nisi was issued calling upon the respondents to show cause as to why impugned letter dated 31.07.2024 (Annexure-J) signed by the Assistant Director under the Respondent No.4 dismissing the appeal on 07.02.2024 by the Respondent No.1 and affirming the dissenting decision (6/1) of the Upazilla Jachai-Bachhai Committee dated 18.02.2021 should not be declared to have been made without any lawful authority and is of no legal effect 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 as freedom fighter fought for this country in the liberation war, held in 1971. Due to his contribution in

the liberation war, the Group Commander, Narayangonj City gave a testimonial recognizing the petitioner as a freedom fighter (Annexure-A-1) and Bangladesh Muktijoddha Sangshad, Narayagonj Sadar Upazilla Command also issued a certificate in favour of the petitioner as a freedom fighter (Annexure-A-2) and the petitioner also obtained so may certificates from the authorities concerned. Thereafter his name was also published in the civil gazette on 29.05.2005 in serial No. 1107, at page No. 4994 (Annexure-A). Thereafter his name was published in the website of the Ministry of Liberation War Affairs (Annexure-A-3) as freedom fighter. In this background the Government of Bangladesh allowed monthly state honorarium in favour of the petitioner by issuing bhata book from July, 2010 to till January, 2021 (Annexure-B). Thereafter all on a sudden jachai bachhai committee submitted a dissenting report against the petitioner (6/1) of Upazilla Jachai-Bacchai Committee on 18.02.2021 and JAMUKA on considering the said 6/1 dissenting report stopped to pay the state honorarium to the petitioner from February, 2021.

Against which the petitioner filed an appeal before the JAMUKA in a vain (Annexure-J of the supplementary affidavit).

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

Mr. Shahjada Al Amin Kabir, 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 issued certificates recognizing the petitioner as a freedom fighter and thereafter, the Government published his name in civil gazette on 29.05.2005 as 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 July, 2010 through bhata book but JAMUKA without assigning any reason whatsoever relying on a dissenting decision 6/1 passed by Upazilla Jacha-Bachhai Committee most illegally without issuing any show cause notice to the petitioner stopped the state honorarium of the petitioner and thereafter, the petitioner filed an appeal before the JAMUKA in a vain and in the facts and circumstances of the case, the supplementary 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, supplementary affidavit, 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 due to his contribution in the liberation war Group Commander, Narayangonj City gave a testimonial recognizing the petitioner as freedom fighter (Annexure-A-1). Thereafter, Bangladesh Muktiyoddha Sangshad, Narayagonj Sadar Upazilla Command also issued certificate in favour of the petitioner as a freedom fighter (Annexure-A-2) and the

petitioner also obtained so may certificates from the authorities concerned.

It further appears that the concern authority under Government of Bangladesh after scrutinizing all the relevant papers of the petitioner published his name in the civil gazette as a freedom fighter (Annexure-A) and thereafter, allowed state honorarium in favour of the petitioner as a freedom fighter from July, 2010 to January, 2021 through bhata book and his bank account (Annexure-B). It further appears that the name of the petitioner as freedom fighter was published in the website of the Ministry of Liberation War Affairs (Annexure-A-3).

On close perusal of the record, it is further found that the JAMUKA without any proper investigation into the matter abruptly on the basis of dissenting report (6/1) wherein 6 members gave opinion in favour of the petitioner as a freedom fighter and only one member gave negative opinion without putting his signature in his opinion (Annexure-D) abruptly stopped to pay the state honorarium of the petitioner. It is further found that against the said action the petitioner filed an appeal before JAMUKA (Annexure-E) which was pending for long time and thereafter challenging the inaction of the respondents, the petitioner filed this writ petition and obtained Rule Nisi dated 10th September, 2023 and in the meantime, pending hearing of the Rule JAMUKA disposed of the said appeal dismissing the appeal and affirming the dissenting (6/1) decision. Against which the petitioner prayed for a supplementary Rule and accordingly obtained the instance supplementary Rule Nisi.

Considering all these facts and circumstances of the case as revealed from the materials on record, we find no cogent reasons as to why the respondents ignoring the positive report of the petitioner as to actual freedom fighter 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 of state honorarium of the petitioner is not based on relevant factors. The decision appears to be 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 dated 10.09.2023 is discharged as being not pressed and the supplementary Rule Nisi dated 23.04.2025 is made absolute. The impugned letter dated 31.07.2024 (Annexure-J) signed by the Assistant Director under the Respondent No.4 dismissing the appeal on 07.02.2024 by the Respondent No.1 affirming the dissenting decision (6/1) of the Upazilla Jachai-Bachhai Committee dated 18.02.2021 is declared to have been made without lawful authority and is of no legal effect and the respondents are

directed to pay monthly state honorarium to the petitioner as a Freedom Fighter 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.

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Mr. Mohammad Mohsin Kabir, DAG with
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Ms. Shaheen Sultana, AAG with

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

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

..... For the respondents.

Heard and Judgment on: 18.12.2025.

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 the

inaction of the respondent No.4 in disposing the application dated 31.05.2021 (Annexure-E) filed by the petitioner challenging the dissenting decision passed by the Upazilla Jachai-Bachhai Committee of freedom fighters of Narayangonj Sadar, Narayangonj should not be declared to have been made without any lawful authority and is of no legal effect and/or such other or further order or orders passed as to this Court may seem fit and proper.

Mr. Shahjada Al Ali Kabir, the learned Advocate appearing for the petitioner at the very outset submits that in the attending facts and circumstances he does not want to press the Rule dated 10th September, 2023 and then submits that he wants to press the supplementary Rule dated 23.04.2025.

On an application for issuance of supplementary Rule, a supplementary Rule Nisi was issued calling upon the respondents to show cause as to why impugned letter dated 31.07.2024 (Annexure-J) signed by the Assistant Director under the Respondent No.4 dismissing the appeal on 07.02.2024 by the Respondent No.1 and affirming the dissenting decision (6/1) of the Upazilla Jachai-Bachhai Committee dated 18.02.2021 should not be declared to have been made without any lawful authority and is of no legal effect 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 as freedom fighter fought for this country in the liberation war, held in 1971. Due to his contribution in

the liberation war, the Group Commander, Narayangonj City gave a testimonial recognizing the petitioner as a freedom fighter (Annexure-A-1) and Bangladesh Muktijoddha Sangshad, Narayagonj Sadar Upazilla Command also issued a certificate in favour of the petitioner as a freedom fighter (Annexure-A-2) and the petitioner also obtained so may certificates from the authorities concerned. Thereafter his name was also published in the civil gazette on 29.05.2005 in serial No. 1107, at page No. 4994 (Annexure-A). Thereafter his name was published in the website of the Ministry of Liberation War Affairs (Annexure-A-3) as freedom fighter. In this background the Government of Bangladesh allowed monthly state honorarium in favour of the petitioner by issuing bhata book from July, 2010 to till January, 2021 (Annexure-B). Thereafter all on a sudden jachai bachhai committee submitted a dissenting report against the petitioner (6/1) of Upazilla Jachai-Bacchai Committee on 18.02.2021 and JAMUKA on considering the said 6/1 dissenting report stopped to pay the state honorarium to the petitioner from February, 2021.

Against which the petitioner filed an appeal before the JAMUKA in a vain (Annexure-J of the supplementary affidavit).

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

Mr. Shahjada Al Amin Kabir, 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 issued certificates recognizing the petitioner as a freedom fighter and thereafter, the Government published his name in civil gazette on 29.05.2005 as 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 July, 2010 through bhata book but JAMUKA without assigning any reason whatsoever relying on a dissenting decision 6/1 passed by Upazilla Jacha-Bachhai Committee most illegally without issuing any show cause notice to the petitioner stopped the state honorarium of the petitioner and thereafter, the petitioner filed an appeal before the JAMUKA in a vain and in the facts and circumstances of the case, the supplementary 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, supplementary affidavit, 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 due to his contribution in the liberation war Group Commander, Narayangonj City gave a testimonial recognizing the petitioner as freedom fighter (Annexure-A-1). Thereafter, Bangladesh Muktiyoddha Sangshad, Narayagonj Sadar Upazilla Command also issued certificate in favour of the petitioner as a freedom fighter (Annexure-A-2) and the

petitioner also obtained so may certificates from the authorities concerned.

It further appears that the concern authority under Government of Bangladesh after scrutinizing all the relevant papers of the petitioner published his name in the civil gazette as a freedom fighter (Annexure-A) and thereafter, allowed state honorarium in favour of the petitioner as a freedom fighter from July, 2010 to January, 2021 through bhata book and his bank account (Annexure-B). It further appears that the name of the petitioner as freedom fighter was published in the website of the Ministry of Liberation War Affairs (Annexure-A-3).

On close perusal of the record, it is further found that the JAMUKA without any proper investigation into the matter abruptly on the basis of dissenting report (6/1) wherein 6 members gave opinion in favour of the petitioner as a freedom fighter and only one member gave negative opinion without putting his signature in his opinion (Annexure-D) abruptly stopped to pay the state honorarium of the petitioner. It is further found that against the said action the petitioner filed an appeal before JAMUKA (Annexure-E) which was pending for long time and thereafter challenging the inaction of the respondents, the petitioner filed this writ petition and obtained Rule Nisi dated 10th September, 2023 and in the meantime, pending hearing of the Rule JAMUKA disposed of the said appeal dismissing the appeal and affirming the dissenting (6/1) decision. Against which the petitioner prayed for a supplementary Rule and accordingly obtained the instance supplementary Rule Nisi.

Considering all these facts and circumstances of the case as revealed from the materials on record, we find no cogent reasons as to why the respondents ignoring the positive report of the petitioner as to actual freedom fighter 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 of state honorarium of the petitioner is not based on relevant factors. The decision appears to be 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 dated 10.09.2023 is discharged as being not pressed and the supplementary Rule Nisi dated 23.04.2025 is made absolute. The impugned letter dated 31.07.2024 (Annexure-J) signed by the Assistant Director under the Respondent No.4 dismissing the appeal on 07.02.2024 by the Respondent No.1 affirming the dissenting decision (6/1) of the Upazilla Jachai-Bachhai Committee dated 18.02.2021 is declared to have been made without lawful authority and is of no legal effect and the respondents are

directed to pay monthly state honorarium to the petitioner as a Freedom Fighter 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.

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directed to pay monthly state honorarium to the petitioner as a Freedom Fighter 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.