

**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. 7626 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:

Sree Ranjit Paul and others.

..... Petitioners.

-Versus-

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

.....Respondents.

Mr. Md. Shariful Islam, Advocate

..... For the Petitioners

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

Ms. Shahin Sultana, A.A.G with

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

... For the Government-Respondents.

Heard and Judgment on 28.10.2025 .

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 Memo No. 48.00.0000.006. 99.002.19.1295 dated 10.09.2023 issued by Assistant Secretary, Ministry of Liberation War

Affairs (res.No.5) refusing to pay the arrears of Muktijoddha Sammani Bhata to the petitioners for the period of July 2019 to June 2021 (Annexure F-1) shall not be declared to have been passed without lawful authority and is of no legal effect and also why the respondents shall be directed to pay the arrears of Muktijoddha Sammani Bhata to the petitioners Nos. I to 12 for the period of July 2019 to June 2021 and as to the petitioner Nos. 13 to 29 for the period of July 2019 to June 2022 and/or such other or further order or orders passed as to this Court may seem fit and proper.

The short facts as stated in the writ petition are that the petitioners are freedom fighters, who fought for the country in the liberation war of Bangladesh, they claimed their state honorarium during the period of July, 2019 to June, 2022 as arrear.

Mr. Md. Shariful Islam, the learned Advocate appearing for the petitioners submits that the petitioner on several occasions claimed their arrear of honorarium before the concerned authority as well as by filing Writ Petition No. 6968 of 2023 without any success. The learned further submits that the provisions of section 9(5) of "বীর মুক্তিযোদ্ধা সম্মানি ভাতা বিতরণ আদেশ, ২০২০" is not applicable in this case , which is applicable to those freedom fighters, who are receiving their Sammani Vata for the first time and it is on record that in this case the petitioners are receiving their Sammani Vata long ago since 2011 onward upto the May 2019 and thereafter it was stopped. As per report of Jachai-Bachai of actual freedom fighters their statuses and authenticity as being freedom fighters have been

reaffirmed and accordingly they started to get Bhata from July, 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 them as to why they did not give arrear of state honorarium to the present petitioners and in the facts and circumstance, the petitioner are entitled to get their arrear state honorarium.

Mr. Mohammad Mohsin Kabir, the learned Deputy Attorney General, on the other hand, opposes the Rule. He referring section 9 of বীর মুক্তিযোদ্ধা সম্মানি ভাতা বিতরণ আদেশ, ২০২০ submits that in view of the provision of section 9 there is no legal scope to give any arrear of state honorarium in favour of any freedom fighter whatsoever. He adds it is on record that in the year 2019-2020 the certificates of the petitioners were suspended and as such, they cannot be legally claimed their 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 reading of the provisions of section 9 of বীর মুক্তিযোদ্ধা সম্মানি ভাতা বিতরণ আদেশ, ২০২০, we are of the view that in the facts and circumstance of the case the petitioners are not entitled to get arrear of monthly state honorarium since July, 2019 to June, 2021 and July, 2019 to June, 2022. Therefore, we find no substance in the submissions of the learned Advocate for the petitioners.

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.