

GAHC040011092022



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)
(ITANAGAR BENCH)

Case No. : WP(C)/323/2022

Sangja Khandu
S/o Late Pem Khandu,
Resident of Bomdila, PO/PS Bomdila, West Kameng District, Arunachal Pradesh.
Phone No. 8974983623

VERSUS

THE STATE OF AP and 5 Ors.

Represented by the Chief Secretary, Govt. of Arunachal Pradesh, Itanagar.

2:The Commissioner (Vigilance) Govt. of Arunachal Pradesh, Itanagar.

Age: 0 Occupation :

3:The Principal Secretary (Vigilance) Govt. of Arunachal Pradesh, Itanagar.

Age: 0 Occupation :

4:The Secretary Department of Higher Education, Govt. of Arunachal Pradesh,
Itanagar.

Age: 0 Occupation :

5:The Deputy Commissioner, West Kameng District, Bomdila, AP.

Age: 0 Occupation :

6:The District Land Revenue and Survey Officer West Kameng District, Bomdila, AP.

Age: 0 Occupation

Advocate for the Petitioner : Dicky Panging
Diana Tamuk

Advocate for the Respondent : GA (AP)
Ojng Pada Spl. PP
Dugmar Kamduk, SC(LM)

**BEFORE
HONBLE MR. JUSTICE NANI TAGIA**

ORDER

Date : 03.08.2023

Heard Ms. Diana Tamuk, learned counsel for the petitioner. Also heard Mr. Subu Tapin, learned Senior Government Advocate, appearing on behalf of all the respondents.

Though this writ petition was directed to be listed along with WP(c)167(AP)2018, WP(c)211(AP)2019, WP(c)17(AP)2021, WP(c)271(AP)2022, WP(c)411(AP)2022, WP(c)72(AP)2023, and WP(c)233(AP)2023, vide order, dated 31.07.2023, but, since the writ petitions noted-above; is found to be not analogous to this writ petition, the instant writ petition is, therefore, taken-up for disposal.

The petitioner, who retired from service on attaining the age of superannuation on 30.09.2022, while working as the Principal, Government College, Bomdila, has filed this writ petition, raising the grievance against the respondent authorities for not finalizing his pension papers.

It appears that the petitioner has not been paid his pension because of the letter, dated 10.08.2022, written to him by the District Land Revenue & Settlement Officer(DLRSO), West Kameng District, Bomdila, *for* Deputy Commissioner, West Kameng District, Bomdila, whereby, it has been stated that the petitioner has encroached upon the Government land and constructed a RCC building thereon and as per the Government Order No. VIG-71/2014/365, dated 25.02.2020, issued by the Department of Vigilance, Government of Arunachal Pradesh, Itanagar; No Objection Certificate(NOC) regarding non-encroachment of Government land, is required to be submitted for finalizing the

pension papers of the petitioner.

The respondents have filed the affidavit-in-opposition supporting the letter, dated 10.08.2022, written to the petitioner by the District Land Revenue & Settlement Officer(DLRSO), West Kameng District, Bomdila, *for* Deputy Commissioner, West Kameng District, Bomdila, wherein, the reason for denying the pension of the petitioner has been stated.

Since it a settled position of law that pension of a retired employee, cannot be denied on the basis of an executive order such as the order mentioned hereinabove, dated 25.02.2020, issued by the Commissioner(Vigilance), Government of Arunachal Pradesh, Itanagar, unless the same is issued in accordance with the provisions and rules that govern the pension of the retired employee, which, in the instant case, is stated to be the Central Civil Services(Pension) Rules, 1972.

In view of the above; the instant writ petition is hereby disposed of, by directing the respondent authorities to immediately finalize the pension papers of the petitioner and pay to the petitioner, the pension, he is entitled to in terms of the Central Civil Services (Pension) Rules, 1972, without insisting for No Objection Certificate (NOC) regarding non-encroachment of the Government land, from the Deputy Commissioner, West Kameng District, Bomdila, as per the order, dated 25.02.2020.

JUDGE

Comparing Assistant