

GAHC010153082021



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

Case No. : WP(C)/5371/2021

JOYDEV DAS
S/O LATE JATINDRA MOHAN DAS
VILLAGE AND PO JHORA PUKHURI.
PS LANKA, DIST HOJAI, ASSAM 782442

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE SECRETARY TO THE GOVT. OF ASSAM,
DEPARTMENT OF ELEMENTARY EDUCATION, DISPUR GUWAHATI 781006

2:THE DIRECTOR
ELEMENTARY EDUCATION KAHILIPARA
GUWAHATI 781019

3:THE DIRECTOR OF PENSION
ASSAM
HOUSEFED COMPLEX
DISPUR LAST GATE
GUWAHATI 781006

4:THE DISTRICT ELEMENTARY EDUCATION OFFICER
NAGAON, ASSAM- 782001

5:THE DEPUTY INSPECTOR OF SCHOOLS
HOJAI, SANKARDEV NAGAR
DIST HOJAI, ASSAM, 782442

6:THE ACCOUNTANT GENERAL (A AND E)
ASSAM
MAIDAMGAON
BELTOLA
GUWAHAT-781029

7:THE TREASURY OFFICER
HOJAI, HOJA

Advocate for the Petitioner : MR. A ROSHID

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 29.05.2023

Heard Mr. A. Roshid, the learned counsel for the petitioner. Mr. N.J. Khataniar, the learned counsel appears for the Department of School Education, Mr. S.R. Baruah, the learned counsel appears on behalf of the Director of Pension, Mr. R. Borpujari, the learned counsel appears for the Treasury Officer, Hojai and Ms. P. Swargiary, the learned counsel appears for the Accountant General (A & E), Assam.

2. It appears from the records that on 3/5/2023, this Court had duly taken note of that the Department of School Education have already issued a communication to the Accountant General (A & E) conveying the sanction of the Governor of Assam for payment of 3,09,069/- which is the arrear salary of the petitioner from 1/1/1989 to 30/7/2017 during the financial year 2023-24 subject to various conditions.

3. The communication have already been kept on record and marked with the letter "Y".

4. This Court had also vide the said order dated 3/5/2023 impleaded the Office of the Accountant General (A & E) as well as the Treasury Officer, Hojai. Today the learned counsel appearing on behalf of the Accountant General submitted that the Office of the Principal Accountant General has no role to play with regard to the authorisation either of the arrear pay and allowances or of the pensionary benefits to the provincialised School Teachers and the said matter purely falls under the

jurisdiction of the concerned department of the Government of Assam. It was further mentioned that the only rider is the payment of the accumulated GPF amount which the said Office of the Accountant General (A &E) has already finalized and settled the GPF final payment as regards the petitioner in accordance with the General Provident Fund (Assam Services) Rules, 1937 amounting to Rs.3,84,804/- vide an office authority dated 26/2/2020. The said instructions so submitted by Ms. P. Swargiary, the learned counsel appearing on behalf of the Accountant General (A & E) is kept on record and marked with the letter "Z".

5. Mr. R. Borpujari, the learned counsel appearing on behalf of the Treasury Officer, Hojai submitted that the Office of the Treasury Officer, Hojai have till date not received any communication for disbursing the said amount of Rs. 3,09,069/-.

6. Taking into account that the amount has already been sanctioned as mentioned in the communication dated 2/5/2023 issued by the Under Secretary to the Government of Assam, Department of School Education, the respondents i.e. the Department of School Education as well as the Treasury Officer, Hojai are directed to disburse the said amount of Rs.3,09,069/- within a period of one month from the date a certified copy of the instant order is served upon the respondent No. 1 as well the respondent No. 7.

7. With the above observations and directions, the instant writ petition stands disposed off.

JUDGE

Comparing Assistant