

GAHC010156272023



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

Case No. : WP(C)/4096/2023

MD. HUMAYUN KABIR
SON OF LATE BOZLUR RAHMAN,
R/O- VILLAGE- BERABHANGA,
PO AND PS- SUKCHAR,
DIST- SOUTH SALMARA MANKACHAR,
ASSAM.

VERSUS

THE STATE OF ASSAM AND 7 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM,
IRRIGATION DEPARTMENT,
DISPUR, GUWAHATI- 781006.

2:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
ASSAM
FINANCE DEPARTMENT
DISPUR
GUWAHATI- 781006.

3:THE ACCOUNTANT GENERAL (A AND E)
ASSAM
MAIDAMGAON
BELTOLA
GUWAHATI- 781029.

4:THE DIRECTOR OF PENSION
ASSAM
HOUSEFED
DISPUR

GUWAHATI- 781006.

5:THE CHIEF ENGINEER
IRRIGATION DEPARTMENT
ASSAM
CHANDMARI
GUWAHATI-03.

6:THE EXECUTIVE ENGINEER
MANKACHAR-SOUTH SALMARA DIVISION
(IRRIGATION)
HATSINGIMARI
PO- HATSINGIMARI

DIST- SOUTH SALMARA MANKACHAR

ASSAM
PIN- 783135.

7:THE TREASURY OFFICER
HATSINGIMARI
PO- HATSINGIMARI
DIST- SOUTH SALMARA MANKACHAR

ASSAM
PIN- 783135.

8:THE BRANCH MANAGER OF STATE BANK OF INDIA
HALLYDAYGANJ
PO- HALLYDAYGANJ

DIST- WEST GARO HILLS

MEGHALAYA
PIN- 794104

Advocate for the Petitioner : MR. S ISLAM

Advocate for the Respondent : SC, IRRIGATION

**BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK**

ORDER

22.08.2023

Heard Mr. S Islam, learned counsel for the petitioner and Mr. N Upadhay, learned

Standing counsel, Irrigation Department, Assam for the respondent Nos. 1, 5 & 6. Also heard Mr. P Nayak, learned Standing counsel, Finance Department, Assam for the respondent Nos. 2 & 7, Mr. B Chakraborty, learned Standing counsel, Accountant General (A&E), Assam for the respondent No. 3 as well as Mr. D Bora, learned Government Advocate, Assam for the respondent No. 4.

2. The petitioner was appointed as Section Assistant by an order dated 28.06.1980 and was posted at Sukchar Sprinkler Irrigation Scheme under the Goalpara Investigation Division (Irrigation), Goalpara and accordingly, he joined his service on 01.07.1980.

3. The petitioner on attaining the age of superannuation at 60 years retired from service on 31.03.2022.

4. Though the petitioner was provided with his regular pension vide Pension Pay Order No. 1011711290322 issued by the authorities of the respondent No. 3, the Accountant General (A&E), Assam; but in the said Pension Pay Order his date of birth was wrongly recorded as 02.03.1962 instead of 01.03.1962.

5. Hence, this writ petition by the petitioner praying for correction of his date of birth as 01.03.1962 in his Pension Pay Order No. 1011711290322, noted above.

6. During the deliberation of the matter, Mr. Chakraborty, learned Standing counsel, Accountant General (A&E), Assam placed before the Court a copy of the Corrigendum issued by the Office of the Principal Accountant General (A&E), Assam under No. PR-7/IRG/11/094992/2022/D/130/C-82/2023-24/729 signed by the Senior Accounts Officer, Office of the Principal Accountant General (A&E), Assam notifying that the date of birth of the petitioner shall be considered as 01.03.1962 instead of 02.03.1962 against the Pension Pay Order No. 1011711290322 issued in favour of the petitioner, namely, Md. Humayun Kabir with reference to the letter No. MSSDI/Esstt-14/2021-22/2231 dated 16.02.2023 of the Executive Engineer, Mankachar–South Salmara Division (Irrigation), Hatsingimari, Assam.

7. It is also seen that the said Corrigendum, noted above, was also marked with the Treasury Officer, Hatsingimari Treasury, requesting him to correct the date of birth of the petitioner as per the said Corrigendum in both halves of PPO under his proper attestation treating the said Corrigendum as an authority.

8. Though the said Corrigendum issued under No. PR-7/ IRG/ 11/ 094992/ 2022/D/130/C-82/2023-24/729 is placed before the Court by Mr. Chakraborty, learned Standing counsel, Accountant General (A&E), Assam, but the same is without any date on which the same was issued.

9. On being enquired, Mr. Chakraborty, learned Standing counsel, Accountant General (A&E), Assam submitted that he has the instruction that the said Corrigendum was issued by the Office of the Principal Accountant General (A&E), Assam on 21.08.2023.

10. Considering the above, as the Office of the Principal Accountant General (A&E), Assam have already issued the necessary Corrigendum, as noted above, correcting the date of birth of the petitioner as 01.03.1962 in his Pension Pay Order No. 1011711290322, this writ petition accordingly stands disposed of.

11. Copy of the said Corrigendum issued by the Office of the Principal Accountant General (A&E), Assam under No. PR-7/IRG/11/094992/2022/D/ 130/C-82/2023-24/729 placed before the Court by Mr. B Chakraborty, learned Standing counsel, Accountant General (A&E), Assam be kept as part of the record.

JUDGE

Comparing Assistant