

GAHC010161612022



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

Case No. : WP(C)/5322/2022

CHANDRA KANTA BASUMATARY
SON OF LATE CHANDI CHARAN BASUMATARY,
RESIDENT OF VILLAGE AND P.O.- NIKASHI,
P.S.- MUSHALPUR,
DISTRICT- BAKSA,
ASSAM, PIN- 781372.

VERSUS

THE STATE OF ASSAM AND 5 ORS
TO BE REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVT. OF
ASSAM, SECONDARY EDUCATION DEPARTMENT, DISPUR, GUWAHATI-6.

2:THE DIRECTOR OF SECONDARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI-19.

3:THE INSPECTOR OF SCHOOLS
BAKSA DISTRICT CIRCLE
MUSHALPUR
DISTRICT- BAKSA
ASSAM.

4:THE HEAD MISTRESS
BANI MANDIR HIGH SCHOOL
CHARAIMARI
P.O. CHARAIMARI

DISTRICT- BAKSA
ASSAM
PIN- 781377.

5:THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF ASSAM
PENSION AND PUBLIC GRIEVANCES DEPARTMENT

DISPUR
GUWAHATI-6.

6:THE DIRECTOR OF PENSION
ASSAM
HOUSEFED COMPLEX
CENTRAL BLOCK
SIXTH FLOOR
BELTOLA ROAD
HOUSEFED
GUWAHATI- 781006.

7:THE DIRECTOR OF SECONDARY EDUCATION

B.T.C KOKRAJHA

Advocate for the Petitioner : MD B ISLAM

Advocate for the Respondent : SC, SEC. EDU.

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

22.09.2023

Heard Mr. B Islam, learned counsel for the petitioner and Mr. P N Sharma, learned Standing counsel, Department of School Education, Assam for the respondent Nos. 1 & 2. Also heard Mr. S R Rabha, learned Standing counsel, BTC for the respondent Nos. 3 & 7 as well as Mr. B Deuri, learned Government Advocate, Assam for the respondent Nos. 5 & 6.

2. The petitioner, Chandra Kanta Basumatary, Senior Assistant of Banimandir High School, Charaimari, District-Baksa on attaining the age of superannuation at 60 years retired from service 31.03.2022.

3. Due to non-receipt of pensionary benefits, the petitioner has preferred this writ petition.

4. Mr. S R Rabha, learned Standing counsel, BTC has apprised the Court that after his

retirement from service on 31.03.2022, the petitioner has been paid his Provisional Pension @ Rs. 16,070/- per month, Relief of Rs. 5454/- per month and Medical Allowance @ Rs. 600/- month that was to be adjusted from the final Pension Pay Order to be issued in favour of the petitioner by the Directorate of Pension, Assam.

5. On instruction, Mr. Rabha, learned Standing counsel, BTC has also placed before the Court that after necessary deduction of Rs. 55,000/-, provisional Death-cum-Retirement-Gratuity of Rs. 5,01,469/- was paid to him way back in July, 2022 and further, an amount of Rs. 42,494 towards Group Insurance Scheme with interest was also paid to him in July, 2022.

6. Mr. B Deuri, learned Government Advocate, Assam appearing on behalf of the Directorate of Pension, Assam by placing a communication dated 20.12.2022 issued by the Directorate of Pension, Assam has apprised the Court that the Final Pension Pay Order No. ADP/PPO/GPO/ 2022/K004546 had already been issued in favour of the petitioner, retired Senior Assistant of Banimandir High School, District-Baksa for his regular pension @ Rs. 16,620/- per month w.e.f. 01.04.2022 and in that regard the Directorate of Pension, Assam on 20.12.2022 communicated to the Treasury Officer, Mushalpur, Baksa, intimating the petitioner about the same.

7. Since the petitioner has already been paid his regular pension and other benefits like DCRG, GIS etc., nothing remains in this writ petition to be adjudicated.

8. Accordingly, for the reasons above, this writ petition stands disposed of.

9. However, if the petitioner has any grievances regarding non-payment any other pensionary dues by the respondent authorities, he may approach the appropriate forum for redressal of his grievances.

JUDGE

Comparing Assistant