

GAHC010161692023



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

Case No. : WP(C)/4228/2023

NEETA BORUAH
W/O- RAM KR. CHANGMAI,
R/O- COLLEGE ROAD, PARBOTIA,
P.O. AND P.S.- TINSUKIA,
DISTRICT- TINSUKIA, ASSAM.

VERSUS

THE STATE OF ASSAM AND 3 ORS.
REPRESENTED BY THE SECRETARY TO THE GOVT. OF ASSAM,
PUBLIC PENSION GRIEVANCE CELL DEPARTMENT,
SACHIVALAYA, DISPUR,
GUWAHATI- 781006.

2:THE DIRECTOR
SECONDARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI- 781016.

3:THE INSPECTOR OF SCHOOLS
TINSUKIA DISTRICT CIRCLE
DISTRICT- TINSUKIA
ASSAM.

4:THE DIRECTOR OF PENSION
ASSAM
HOUSEFED COMPLEX
DISPUR

GUWAHATI- 781006

Advocate for the Petitioner : MR S BORTHAKUR

Advocate for the Respondent : GA, ASSAM

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

ORDER

17.08.2023

Heard Mr. S Borthakur, learned counsel for the petitioner and Ms. D Das Barman, learned Government Advocate, Assam for the respondent Nos. 1 & 4. Also heard Ms. D Mushahary, learned Standing counsel, Department of School (Secondary) Education, Assam for the respondent Nos. 2 & 3.

2. The petitioner was appointed as a Subject Teacher on 28.05.1987 at Jajori Higher Secondary School in the district of Tinsukia. Thereafter, by order dated 25.06.1997 she was transferred to Panitola Higher Secondary School, District-Tinsukia.

3. Later, by an order dated 02.05.2017 the petitioner was appointed as Principal of Panitola Higher Secondary School, District-Tinsukia and she joined her said post on 03.05.2017.

4. The petitioner on attaining the age of superannuation at 60 years retired from service on 31.05.2022 as Principal of said Panitola Higher Secondary School, District-Tinsukia.

5. It is stated before the Court that she has neither been paid her provisional pension nor the final pension and other retirement benefits like Leave Encashment Benefit, Gratuity, Group Insurance Scheme etc. in spite of her approach.

6. Being aggrieved, the petitioner has preferred this writ petition on 26.07.2023, praying amongst others, for a direction to the respondent authorities to provide her the pensionary benefits as per her entitlement.

7. During the deliberation of the matter, Ms. Mushahary, learned Standing counsel, Department of School (Secondary) Education, Assam has placed before the Court a written communication dated 16.08.2023 of the Inspector of Schools, Tinsukia District Circle,

Tinsukia, respondent No. 3 stating that the petitioner took back her Service Book on 24.03.2023 and since then the same is in her custody, which she has not yet returned so as to prepare the pension proposal with regard to the pensionary benefits payable to her.

8. It is also stated before the Court that due to non-submission of the required documents as well as the Service Book by the petitioner, her pension proposal could not be processed.

9. It is further placed before the Court by the said Inspector of Schools, Tinsukia that on 16.08.2023 the said authority communicated to the petitioner directing her to return her Service Book.

10. As such, it is seen that at the time of filing of this writ petition on 26.07.2023, the petitioner was holding her Service Book.

11. After hearing the learned counsels for the parties and considering the entire aspect of the matter, this writ petition is disposed of directing the petitioner to submit her Service Book in original before the Inspector of Schools, Tinsukia District Circle, Tinsukia forthwith on or before 22.08.2023 and to submit all the relevant documents, her signature, photograph etc. that are required from her end to prepare the necessary pension proposal for payment of pensionary benefits to her.

12. The petitioner shall also provide her address, Telephone Number, Mobile Number, E-mail address before the Inspector of Schools, Tinsukia District Circle, Tinsukia within the date as specified above, so that whatever documents/ photographs/signature etc. that are required for her pension proposal could be communicated to her by the said authority.

13. After receipt of her Service Book and the relevant documents to be submitted by the petitioner on or before 22.08.2023 as directed above, the Inspector of Schools, Tinsukia District Circle, Tinsukia along with the Principal/in-charge Principal/Vice-Principal of Panitola Higher Secondary School, District-Tinsukia shall prepare the pension proposal of the petitioner and shall submit the same before the Directorate of Pension, Assam on or before 30.09.2023, subject to submission of the Service Book and the relevant documents by the petitioner before the Inspector of Schools, Tinsukia District Circle, Tinsukia on or before 22.08.2023.

14. The Directorate of Pension, Assam, respondent No. 4 on receipt of the pension

proposal of the petitioner from the Inspector of Schools, Tinsukia District Circle, Tinsukia shall process the same and disburse the Final Pension Pay Order and other pensionary benefits payable to the petitioner within a period of 3 months i.e., on or before 30.12.2023, if there is no mistake/wrong on such pension proposal of the petitioner.

15. In the meanwhile, the petitioner shall be paid her provisional pension and other pensionary benefits by the Inspector of Schools, Tinsukia District Circle, Tinsukia in accordance with law as per her entitlement, if there is no other impediment in releasing the same to her.

16. The petitioner shall submit the certified copy of this order before the Inspector of Schools, Tinsukia District Circle, Tinsukia as well as the Directorate of Pension, Assam forthwith.

17. With the above observation and direction, this writ petition stands disposed of.

18. Copy of the written communication dated 16.08.2023 of the Inspector of Schools, Tinsukia District Circle, Tinsukia placed before the Court by Ms. Mushahary, learned Standing counsel, Department of School (Secondary) Education, Assam be kept as part of the record.

JUDGE

Comparing Assistant