

GAHC010181242020



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

Case No. : WP(C)/5525/2020

DR. RAJENDRA PRASAD CHAKRABORTY
S/O. LT. GANGA NATH CHAKRABORTY, R/O. VILL. JAPARKUCHI, P.O.
CHOWK BAZAR, DIST. NALBARI, ASSAM-781334.

VERSUS

THE STATE OF ASSAM AND 3 ORS
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,
GUWAHATI, HEALTH AND FAMILY WELFARE (A) DEPTT., DISPUR,
GUWAHATI-06.

2:THE DIRECTOR OF HEALTH SERVICE

ASSAM
HENGRABARI GUWAHATI-36
KAMRUP (M)
ASSAM.

3:THE PRINCIPAL ACCOUNTANT GENERAL (A AND E)

ASSAM
MAIDAMGAON
BELTOLA
GUWAHATI-29
KAMRUP (M)
ASSAM.

4:THE ADDL. DIRECTOR OF HEALTH SERVICES (R)

UPPER ASSAM REGION
JORHAT
ASSAM.

5:THE COMMISSINER AND SECRETARY
TO THE GOVERNMENT OF ASSAM
FINANCE DEPARTMENT

6:THE TREASURY OFFICER
GOVERNMENT OF ASSAM
JORHAT

7:THE JOINT DIRECTOR OF HEALTH SERVICES
GOVERNMENT OF ASSAM
JORHAT

8:THE JOINT DIRECTOR OF HEALTH SERVICES

GOVERNMENT OF ASSAM
KOKRAJHAR

Advocate for the Petitioner : MR. A SARMA

Advocate for the Respondent : SC, HEALTH

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

24.07.2023

Heard Mr. A Sharma, learned counsel for the petitioner and Mr. D Upamanyu, learned Standing counsel, Health and Family Welfare Department, Assam for the respondent Nos. 1, 2, 4 as well as for the impleaded respondent Nos. 7 & 8. Also heard Mr. A Hassan, learned Standing counsel, Accountant General (A&E), Assam for the respondent No. 3 and Mr. A Chaliha, learned Standing counsel, Finance Department, Assam for the impleaded respondent Nos. 5 & 6.

2. Matter pertains to non-payment of pensionary benefits to the petitioner, Zonal Officer (Ayur), Jorhat who served under the Additional Director of Health Services (R), Upper Assam

Region, Jorhat and retired from service on 28.02.2009 on attaining the age of superannuation at 60 years.

3. During the deliberation of the matter, Mr. Upamanyu, Standing counsel, Health and Family Welfare Department placed before the Court a communication issued under No. HSE/HC69/2021/5774 dated 18.07.2023 by the Director of Health Services, Assam written to the Secretary to the Government of Assam in the Health and Family Welfare (A) Department informing that an amount of Rs. 1,45,560/- as arrear pay and allowances and Rs. 37,704/- as arrear salary in respect of the petitioner has already been drawn and disbursed by the Joint Director of Health Services, Jorhat and credited in the concerned Savings Bank Account No. 20071172570 of the petitioner.

4. With regard to the final withdrawal of GPF money of the petitioner, the Director of Health Services, Assam by the said communication dated 18.07.2023 has apprised the Court that the Joint Director of Health Services, Jorhat had already drawn and disbursed and credited the amount of GPF money in the concerned bank account of the petitioner.

5. Pertaining to the drawal of leave encashment money, the Director of Health Services, Assam by the said communication dated 18.07.2023 apprised the Court that the State Government in the Health and Family Welfare Department have already sanctioned the said amount of leave encashment money and the authority letter has been issued by the Accountant General (A&E), Assam for drawal of leave encashment benefit to the petitioner. After receipt of the authority letter from the Joint Director of Health Services, Jorhat; the same shall be drawn and disbursed accordingly.

6. As the claims of the petitioner regarding his pensionary benefits have been taken care of by the respondent authorities in the Health and Family Welfare Department of the State as reflected in the communication dated 18.07.2023 of the Director of Health Services, Assam, noted above, this writ petition hereby stands closed, since the respondent authorities have already considered the prayer of the petitioner made herein.

7. However, liberty is granted to the petitioner, in case the respondent authorities do not clear his pensionary benefits as claimed in this writ petition and as specified in the communication dated 18.07.2023 of the Director of Health Services, Assam, noted above.

8. Copy of the communication dated 18.07.2023 of the Director of Health Services, Assam; be kept as part of the record.

JUDGE

Comparing Assistant