

GAHC010183362022



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

Case No. : WP(C)/5918/2022

UMESH CHANDRA BARUAH
S/O- LT. ATUL CHANDRA BARUAH, R/O- KRISHNA NAGAR, CHATTRIBARI,
P.O. PANBAZAR, P.S. PALTAN BAZAR, DIST.- KAMRUP (M), GHY, ASSAM,
PIN- 781001

VERSUS

THE STATE OF ASSAM AND 4 ORS.
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM IN GUWAHATI
DEVELOPMENT DEPTT., DISPUR, GHY- 78100

2:THE COMM. AND SECY.
GOVT. OF ASSAM
FINANCE DEPTT.
DISPUR
GHY-06

3:THE COMM. AND SECY.
GOVT. OF ASSAM
PENSION AND PUBLIC GRIEVANCES DEPTT.
DISPUR
GHY-06

4:THE GUWAHATI MUNICIPAL CORPORATION
GUWAHATI
REP. BY ITS COMMISSIONER
PANBAZAR
GHY-01

5:THE COMMISSIONER
GUWAHATI MUNICIPAL CORPORATION
PANBAZAR

GHY- 781001
ASSA

Advocate for the Petitioner : MR D K DAS

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 09.01.2023

Heard Mr. D.K. Das, the learned counsel appearing on behalf of the petitioner. Mr. P. Nayak, the learned counsel appears on behalf of the respondent Nos. 1, 2, 4 and 5 and Ms. S. Baruah, the learned counsel appears for the respondent No. 3.

2. The instant writ petition has been filed by the petitioner claiming a direction upon the Respondent Authorities to release the arrear of pensionary benefits to the petitioner with effect from the date of his retirement i.e. from 30/4/1998 to 31/12/2015 in accordance with the provisions of the Gauhati Municipal Corporation Employee (Pension) Regulations, 2015. It is the case of the petitioner that the petitioner has been receiving the pension w.e.f. 1/1/2016 but however for the period from 30/4/1998 to 31/12/2015, the petitioner has not been paid the pensionary entitlement to which the petitioner is entitled to.

3. The learned counsel for the petitioner submits that the petitioner is entitled to the pension under the Gauhati Municipal Corporation Employee (Pension) Regulations, 2015 which has come into effect from 1/1/1996. The learned counsel appearing on behalf of the petitioner has also drawn the attention of this Court to an order dated 13/3/2019 passed in W.P.(C) No. 5085/2015, whereby there was a direction upon the Gauhati Development Department as well as the Guwahati Municipal Corporation for releasing the pension after making due verification within a period of six months from

the date of the said order. The learned counsel for the petitioner therefore, prays that maintaining parity similar order may also be the passed in the instant writ petition.

4. The learned counsel appearing on behalf of the respondent Nos. 1, 2, 4 and 5 submits that the petitioner is entitled to the pension but the exact entitlement of the petitioner has to be verified on the basis of the records. He submits that the Respondent Authorities may be given liberty to make the necessary verification and the payment of the arrear pension shall be made in similar manner as has been directed in the order dated 13/3/2019.

5. Taking into account the said submission, this Court disposes the writ petition directing the respondent Nos. 4 and 5 to make verification as regards the quantum of entitlement of his arrear pension and thereupon shall make payment to the petitioner of his arrear in pension as per his entitlement.

6. Taking into account that the petitioner was aged about 84 years on the date of filing of the writ petition, this Court deems it proper to direct the respondent Nos. 4 and 5 to carry out the necessary verification and make payment to the petitioner within a period of four months from the date a certified copy of this order is served upon the respondent No. 4.

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

JUDGE

Comparing Assistant