

GAHC010226732021



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

Case No. : WP(C)/18/2022

NABIN NARZARY
S/O LATE NAMALA NARZARY
R/O VILL- KARIPARA, BHOGPUR, P.O. BHOGPUR,
P.S. GORESWAR
DIST. BAKSA, ASSAM
PIN-781366

VERSUS

THE STATE OF ASSAM AND 6 ORS
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,
EDUCATION (SECONDARY) DEPARTMENT, DISPUR, GUWAHATI-6.

2:THE PRINCIPAL SECRETARY

BTC
KOKRAJHAR
PIN-783370
ASSAM

3:THE DIRECTOR

EDUCATION
BTC

KOKRAJHAR
PIN-783370.

4:THE INSPECTOR OF SCHOOLS

BAKSA DISTRICT CIRCLE
MUSHALPUR

PIN-781343
ASSAM

5:THE ACCOUNTANT GENERAL

ASSAM
BELTOLA
GUWAHATI-29.

6:THE DIRECTOR OF PENSION

ASSAM
DISPUR
GUWAHATI-6.

7:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM

DEPARTMENT OF FINANCE
DISPUR
GUWAHATI-78100

Advocate for the Petitioner : MS D BORGOHAIN

Advocate for the Respondent : SC, SEC. EDU.

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 03.04.2023

Heard Ms. K. Baruah, the learned counsel appearing on behalf of the petitioner. Mr. S.R. Baruah, the learned Standing Counsel appears on behalf of the Director of Pension, Ms. J. Das, appears on behalf of the Accountant General (A & E), Mr. B. Choudhury, the learned Standing Counsel appears on behalf of the BTC, Mr. N.J. Khataniar, the learned counsel appears on behalf of the respondent No. 1 and Mr. A. Chaliha, the learned Standing Counsel appears on behalf of the Finance Department.

The learned counsel appearing on behalf of the Directorate of Pension submitted that the final pension as well as the DCRG of the petitioner had already been settled

by the Directorate of Pension and in that regard on 7/11/2022 two communications were issued to the Treasury Officer, Rangia Treasury. In the first communication the Treasury Officer, Rangia Treasury was forwarded the PPO No. ADP/PPO/GPO/2022/086766 in favour of the petitioner of an amount of Rs.35,070/- per month w.e.f. 1/8/2020. In the second communication the Treasury Officer, Rangia Treasury has been informed that the total DCRG payable to the petitioner was Rs. 13,53,858/- and out of the said provisional DCRG of Rs. 12,18,858/- has already been paid and as such the remaining amount was directed to be paid.

It further appears that the said communications were also forwarded to the petitioners. The said documents are kept on record and marked with the letter "X" and "Y" respectively.

Ms. J. Das, the learned counsel appearing on behalf of the Accountant General (A & E), Assam has also submitted that the Senior Accounts Officer of the office of the Accountant General (A & E) had also issued a communication to the Headmaster, Uttar Betna High School thereby directing the latter for payment of the amount of Rs. 7,53,179/- on account of the entitlement of the petitioner in accordance with the General Provident Fund (Assam Service) Rules,1937. The said communication is kept on record and marked with the letter "Z".

It is also relevant to take note of the submission made by Mr. B. Choudhury, the learned counsel appearing on behalf of the respondent-BTC to the effect that the excess salary w.e.f. 1/1/1996 which was sought to be recovered from the petitioner have been waived, inasmuch as, there was no fault on the part of the petitioner for the purpose of fixation of her salary and as such, necessary communications were issued to the Director of Pension waiving the said amount. Consequently, in view of the above, as the grievances of the petitioner have been duly met, the instant petition stands disposed off with a direction to the Treasury Officer, Rangia Treasury to pay the amount to the petitioner if not already paid in terms with the communications dated

7/11/2022.

The petitioner is directed to serve a copy of this order to the Treasury Officer, Rangia Treasury for due compliance.

JUDGE

Comparing Assistant