

GAHC010240792023



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

Case No. : WP(C)/6414/2023

ROBINSON SURIN DAS AND 4 ORS.
S/O LATE TANKESWAR DAS, R/O VILL-DUBI, P.O.-HARMOTI MERBIL, DIST-
LAKHIMPUR, ASSAM

2: GITANJALI HAZARIKA
W/O GYANANDRA HAZARIKA
R/O MERBIL GAON
P.O.-MERBIL
DIST-LAKHIMPUR
ASSAM

3: JYOTISH DEURI
S/O LATE GOVERNOR DEURI
R/O VILL-BAHGARAH
P.O.-BAHGARAH
DIST-LAKHIMPUR
ASSAM

4: GUNA PROVA PAWE
D/O MANIRAM PATHARI
R/O VILL-MERAGURIYA
P.O.-LALUK
DIST-LAKHIMPUR

5: CHAYA PAUL
D/O KHITISH PAUL
R/O VILL-NIZLALUK
P.O.-LALUK
DIST-LAKHIMPUR
ASSA

VERSUS

THE STATE OF ASSAM AND 6 ORS.

REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF ASSAM,
DEPARTMENT OF SCHOOL EDUCATION (ELEMENTARY), DISPUR,
GUWAHATI-781006

2:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
ASSAM
FINANCE DEPARTMENT
DISPUR
GUWAHATI-781006

3:THE ACCOUNTANT GENERAL (A AND E)
ASSAM
MAIDAMGAON
BELTOLA
GUWAHATI-781029

4:THE DIRECTOR OF ELEMENTARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI-781019

5:THE DISTRICT ELEMENTARY EDUCATION OFFICER
LAKHIMPUR
P.O. AND DIST-LAKHIMPUR
ASSAM
PIN-787001

6:THE DEPUTY INSPECTOR OF SCHOOLS
LAKHIMPUR
P.O. AND DIST-LAKHIMPUR
ASSAM
PIN-787001

7:THE BLOCK ELEMENTARY EDUCATION OFFICER
BIHPURIA
P.O.-BIHPURIA
DIST-LAKHIMPUR
ASSAM
PIN-78416

Advocate for the Petitioner : MR. S ISLAM

Advocate for the Respondent : SC, ELEM. EDU

BEFORE
HONOURABLE MR. JUSTICE ACHINTYA MALLA BUJOR BARUA

ORDER

22.11.2023

Heard Mr. S Islam, learned counsel for the petitioners. Also heard Mr. Girin Pegu, learned Additional Senior Government Advocate for the Deputy Commissioner, Lakhimpur, Mr. N J Khataniar, learned counsel for the respondents in the Elementary Education Department, Government of Assam, Mr. A Chaliha, learned counsel for the respondents in the Finance Department, Government of Assam as well as Mr. R Ahmed, learned counsel for the respondents in the Accountant General (A & E), Assam.

2. All the petitioners herein were appointed as stipendiary teachers by various appointment orders of the year 2001 and have taken a stand that although there was a condition in the order of appointment that they would have to undergo a junior basic training course and thereafter would be paid a regular scale of pay, but the circumstances were such, the respondent authorities had not facilitated the petitioners to undergo any such training course. Accordingly, a claim is made that the petitioners are entitled to a regular pension and also entitled to the benefit of GPF.

3. The said issue has already been decided by this Court in its judgment dated 31.03.2023 in WP(C)No.5843/2022 and other writ petitions wherein in paragraph 34 it has been provided as extracted:

“34. In view of the above reasons, this Court, therefore, holds that the petitioners

herein would be entitled to pension in terms with the Rules of 1969 and would further be entitled to subscribe to GPF. The petitioners in respect to present category which also be entitled to all other pensionary benefits as admissible to the Government employees of equal rank who are regulated in terms with the Rules of 1969.”

4. As the entitlement of a stipendiary teacher for pension and GPF had already been decided, we accordingly follow the said proposition and direct the respondent authorities to provide the petitioners with their respective GPF numbers which in fact is the relief sought for in the present writ petition.

5. The above requirement be done within a period of one month from the date of receipt of the certified copy of this order.

6. It is made clear that we are not deciding any other aspect of this writ petition other than what is provided hereinabove.

7. Writ petition stands disposed of in the above terms.

JUDGE

Comparing Assistant