

GAHC010031682016



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

Case No. : WP(C)/7284/2016

ON THE DEATH OF KOPITI PAYENG HER LEGAL HEIRS SRI NAGEN
PAYENG
S/O LT. KANESWAR PAYENG AND LT. KOPITI PAYENG, R/O NAM
BATIYAMARI, P.O. BATIYAMARI, P.S. KAMALABARI, MAJULI, PIN-785106,
DIST- MAJULI, ASSAM

VERSUS

STATE OF ASSAM and 6 ORS.
REP. BY THE PRINCIPAL SECY. TO THE GOVT. OF ASSAM, PWD AUDIT
BRANCH, DISPUR, GHY-6, ASSAM

2:THE COMMISSIONER AND SECY. TO THE GOVT. OF ASSAM
PENSION AND P.G. DEPTT.
DISPUR
GHY-6
ASSAM

3:THE CHIEF ENGINEER
PWDROADS ASSAM
CHANDMARI
GHY-6

4:THE EXECUTIVE ENGINEER
PWD
JORHAT RURAL ROAD DIVISION
JORHAT-7
DIST- JORHAT
ASSAM

5:THE ASSTT. EXECUTIVE ENGINEER
PWD

MAJULI RURAL ROAD SUB-DIVISION
GOROMUR
PIN-785104
DIST- MAJULI
ASSAM

6:THE ACCOUNTANT GENERAL AandE
MAIDAM GAON
BELTOLA
P.O. BELTOLA
GHY-29
DIST- KAMRUP METRO
ASSAM

7:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
FINANCE DEPARTMENT
DISPUR
GHY-6
DIST- KAMRUP METRO
ASSA

Advocate for the Petitioner : MR.R DOWARAH

Advocate for the Respondent : MR.U K NAIR

Linked Case : I.A.(Civil)/3855/2022

ON THE DEATH OF KOPITI PAYENG HER LEGAL HEIRS NAGEN PAYENG
S/O LATE KANESWAR PAYENG
R/O NAM BATIYAMARI
P.O. BATIYAMARI
P.S. KAMALABARI
MAJULI
PIN-785106
DIST- MAJULI
ASSAM
PIN 785106.

VERSUS

STATE OF ASSAM AMD 5 ORS.
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM

PWD AUDIT BRANCH
DISPUR
GUWAHATI-6
ASSAM

2:THE COMMISSIONER AND SECY. TO THE GOVT. OF ASSAM
PENSION AND P.G. DEPTT.

DISPUR
GHY-6
ASSAM

3:THE CHIEF ENGINEER
PWDROADS ASSAM
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JORHAT RURAL ROAD DIVISION
JORHAT-7
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6:THE ACCOUNTANT GENERAL AandE
MAIDAM GAON
BELTOLA
P.O. BELTOLA
GHY-29
DIST- KAMRUP METRO
ASSAM

Advocate for : MR. D BORAH

Advocate for : GA

ASSAM appearing for STATE OF ASSAM AMD 5 ORS.

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

04.04.2024

Heard Mr. D. Borah, learned counsel for the petitioner. Also heard Mr. B. Sarma, learned Standing Counsel, Accountant General and Mr. R. Dhar, learned Standing Counsel, PWD for the respondents.

The order dated 01.04.2021 passed by this Court is extracted below :-

"Date : --01.04.2021

By filing this writ petition the petitioner seeks for a direction to the respondents to release the family pension, gratuity, DCRG and all other admissible benefits entitled to the petitioner's husband, who expired while working as a regular muster roll worker. During the pendency of the writ petition, the pensionary benefits has been processed and released to the petitioner. However, the counsel for the petitioner submits that the manner, in which the pensionary dues of the petitioner's late husband has been calculated has not been clearly reflected. Moreover, the gratuity said to have been already paid is not supported by any documents. He submits that it is also not known as to how payment of the pension has commenced from 20.05.2009. To answer to this query, the learned standing counsel for department is not available today.

In view of above, the Accountant General, Assam (respondent no. 6) shall file an affidavit indicating the details of the calculation of the pensionary benefit given to the petitioner. The affidavit shall also indicate as to when pension papers were received by the office of A.G. Assam.

Mr. P. Nayak, the learned counsel appearing for the Public Works Department shall also obtain instructions as to when and to whom was the gratuity of Rs. 5550/- as reflected in the affidavit-in-opposition of respondent nos. 1, 3,4 and 5, was given.

List the matter again on 04.5.2021 to enable the parties concerned to do the needful as indicated herein above."

By the said order dated 01.04.2021, the Accountant General, Assam, respondent no. 6 was directed to file an affidavit indicating the details of the calculation of the pensionary benefit given to the petitioner and directed that the affidavit should also indicate as to when the pension papers were received by the Office of the Accountant General. Although, the affidavit was filed by the Office of the Accountant General, the specific direction of the Court has not been addressed to and no information with that regard is found in the affidavit.

Accordingly, the respondents are directed to place before the Court the particulars as directed in the earlier order dated 01.04.2021.

Mr. B. Sarma, learned Standing Counsel appearing for Accountant General submits that he is recently engaged in the matter and therefore he prays for some time to complete his instructions and file a necessary affidavit.

Accordingly, list this matter on 14.05.2024.

JUDGE

Comparing Assistant