

GAHC040005782024



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

Case No. : WP(C)/182/2024

Victor Landi
Son of Late Landi Taker, resident of Hari Village, PO and PS Ziro, Lower Subansiri
District, Arunachal Pradesh

VERSUS

The State of AP and 5 Ors
represented by the Chief Secretary, Govt of Arunachal Pradesh, Itanagar

2:The Commisioner (Vigilance)
Age: 0
Occupation :

3:The Principal Secretary (Vigilance)
Age: 0
Occupation :

4:The Secretary (Cultural Affairs)
Age: 0
Occupation :

5:The Deputy Commissioner
Age: 0
Occupation :

6:The Director of Audit and Pension

Age: 0
Occupation

Advocate for the Petitioner : Duyu Laji

Advocate for the Respondent : GA (AP)

**BEFORE
HONBLE MRS. JUSTICE SUSMITA PHUKAN KHAUND**

ORDER

Date : 06.05.2024

Heard Mr. D. Laji, learned counsel for the petitioner, namely, **Shri Victor Landi**. Also heard Mr. Y. Riram, learned Government Advocate for the respondent.

The petitioner has filed this application under Article 226 of the Constitution of India praying for a writ in the nature of Certiorari, Mandamus or any other appropriate write directing the respondent authorities to issue No Objection Certificate/Vigilance Clearance to the petitioner to apply for pensionary and other gratuity benefits due to him on superannuation.

It is submitted on behalf of the petitioner that the petitioner has retired from Government service with effect from 31.08.2023 at the age of 60(sixty) years. He was serving as Language Officer in the Office of the District Research Officer, Lower Subansiri District, Arunachal Pradesh. The order dated 10.07.2023 more particularly Annexure- 1 of the petition reflects the order of superannuation of the petitioner. Thereafter, he sought for No Objection

Certificate from the Deputy Commissioner through his letter dated 09.06.2023.

It is submitted on behalf of the petitioner as well as on behalf of the respondent that vide standing Memo No. PSH-06/2012-13/97 dated 02.04.2023, the procedure to obtain the retirement benefits by an incumbent is to obtain NOC from the concerned Deputy Commissioner and the order is annexed as Annexure- 4 of the petition and the Annexure- 5 of the petition is the modified order.

It is also submitted at the bar that several orders have been passed by this Court in WP(C)/476(AP)/2016, WP(C)/294(AP)/2018 and WP(C)/301(AP)/2021, wherein, this Court has directed the Government to immediately process the pension papers of the incumbents after their retirement, without insisting on any No Objection Certificate in terms of the order dated 02.04.2013 issued by the Principal Secretary (VIG.), Government of Arunachal Pradesh Itanagar vide Memo No. PSH-06/2012-13/97 as well as in terms of the order dated 25.02.2020 issued by the Commissioner (VIG.), Government of Arunachal Pradesh, Itanagar vide Memo No. VIG-71/2014/365.

The learned Government Advocate has also submitted that without insisting on No Objection Certificate, the petitioner's submission for the retirement benefits will be considered.

The learned counsel for the petitioner further submits that the petitioner

has been waiting for No Objection Certificate but as he has not received any No Objection Certificate from the Deputy Commissioner, he is unable to bear the fruits of his retirement benefits.

In view of foregoing discussions, this petition is disposed of with a direction to the respondent authorities to consider the petitioners prayer for his retirement benefits without insisting on No Objection Certificate as mentioned above within a period of 30(Thirty) days from today.

With the above observation, this writ petition stands disposed of.

JUDGE

Comparing Assistant