

GAHC010018232024



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

Case No. : I.A.(Civil)/407/2024

TAPAN KUMAR SIL
S/O- MONARANJAN SIL, RESIDENT OF WARD NO.6, LANKA TOWN, P.O.
AND P.S. LANKA, NAGAON- 782446, ASSAM

VERSUS

THE STATE OF ASSAM AND 6 ORS
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF ASSAM,
ELEMENTARY EDUCATION DEPARTMENT, DISPUR- 781006, ASSAM

2:THE DIRECTOR
ELEMENTARY EDUCATION
KAHILIPARA
GUWAHATI- 781019
ASSAM

3:THE DISTRICT ELEMENTARY EDUCATION OFFICER
NAGAON
ASSAM

4:THE DIRECTORATE OF PENSION
REPRESENTED BY ITS DIRECTOR
HOUSEFED COMPLEX
GUWAHATI- 781006
ASSAM

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

6:THE TREASURY OFFICER

NAGAON
NAGAON- 782001
ASSAM

7:THE COMMISSIONER AND SECRETARY TO THE DEPARTMENT OF
FINANCE

GOVT. OF ASSAM
GUWAHATI-0

Advocate for the Petitioner : MR. M BISWAS

Advocate for the Respondent : SC, ELEM. EDU

Linked Case : WP(C)/5341/2023

TAPAN KUMAR SIL
S/O- MONARANJAN SIL
RESIDENT OF WARD NO.6
LANKA TOWN
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ASSAM

Advocate for : MR. M BISWAS
Advocate for : SC
ELEM. EDU appearing for THE STATE OF ASSAM AND 5 ORS

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

Date : 08.04.2024

Heard Ms. D. Devi, learned counsel for the Applicant. Also heard Mr. N. J. Khataniar, learned Standing Counsel, Elementary Education; Mr. B. Sarma, learned Standing Counsel, Accountant General; Mr. P. Saikia, learned Government Advocate and Mr. A. Chaliha, learned Standing Counsel, Finance Department.

This Interlocutory Application has been filed for impleadment of the Commissioner and Secretary, Department of Finance, Government of Assam as a party respondent in WP(C)/5341/2023.

The accompanying writ petition has been filed by the petitioner putting to challenge the undertaking given by the petitioner at the time of Regularization of his Service that they would be govern by the New Pension Rules, 2005 and not under the earlier Assam Services (Pension) Rules, 1969. The matter is

pending disposal before the Court and for effective disposal the present Interlocutory Application is filed seeking impleadment of the Department of Finance.

Since no objection has been raised by the respondent / Opposite Party also the Treasury Officer, Nagaon is already arrayed a party and is represented by the Standing Counsel Finance, this Court is of the view that this Interlocutory Application can be allowed and the Commissioner and Secretary, Department of Finance, Government of Assam can be arrayed as party respondent No. 7 in WP(C)/5341/2023.

In that view of the matter, this Interlocutory Application is allowed and disposed of. The Department of Finance represented by Commissioner and Secretary, Department of Finance, Government of Assam is arrayed as party respondent No. 7 in WP(C)/5341/2023.

Petitioner will file amended Cause Title before the Registry within a period of 1 (one) week from today.

This Interlocutory Application stands allowed and disposed of.

JUDGE

Comparing Assistant