

GAHC010038742023



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

Case No. : WP(C)/1216/2023

GOLOK CHANDRA TAHU
SON OF LATE RUPENDHAR TAHU,
VILLAGE- RUPHIMUKH MIRI NO. 1,
P.O. AND P.S. SIVASAGAR,
ASSAM, PIN- 785664.

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM,
EDUCATION (ELEMENTARY) DEPARTMENT, DISPUR,
GUWAHATI- 781006.

2:THE DIRECTOR OF ELEMENTARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI- 781019.
DISTRICT- KAMRUP(M)
ASSAM.

3:THE DEPUTY COMMISSIONER
SIVASAGAR
P.O. AND P.S. SIVASAGAR
PIN- 785640

DISTRICT- SIVASAGAR
ASSAM.

4:THE DISTRICT ELEMENTARY EDUCATION OFFICER
SIVASAGAR
P.O. AND P.S. SIVASAGAR

PIN- 785640

DISTRICT- SIVASAGAR
ASSAM.

5:DIRECTORATE OF PENSION
HOUSEFED COMPLEX.
GUWAHATI-781006

Advocate for the Petitioner : MR. R CHETRI

Advocate for the Respondent : SC, ELEM. EDU

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

06.05.2024

Heard Mr. F. Khan, learned counsel for the petitioner. Also heard Mr. G. Pegu, learned Standing Counsel, Elementary Education.

2. This writ petition has been filed by the petitioner praying for release of his pension and other retiral benefits which the petitioner claims is entitled to pursuant to his superannuation from the post of Head Master, Sivasagar Vidyapith M.E. School. The petitioner retired in the year 2008. Since the claim of the petitioner was not entertained, he has approached this Court praying for appropriate writ direction or order.

3. The respondent, Elementary Education, has filed an affidavit stated that certain documents were called for from the petitioner which he has failed to submit and accordingly his pension paper could not be processed and forwarded to the competent authority.

4. The petitioner had disputed his date of superannuation as 31.12.2008 and in support of that of his contentions, he had furnished his HSLC certificate mentioning that his date of superannuation was not correct.

5. There is a categorical averments made in Paragraph-6 of the affidavit-in-opposition filed by the respondents that the certificate which was furnished upon verification, has been found to be false.

6. The learned counsel appearing for the petitioner submits that he does not wish to file any reply affidavit countering the said averments made inasmuch as his claim for the dispute in respect of the date of superannuation is not pressed any further. He submits that whatever documents the department requires, he is ready and willing to furnish the same.

7. If that be so, taking into consideration the submissions made by the learned counsel for the petitioner, this Court does not find it necessary to keep the writ petition pending any further. The petitioner will furnish the required documents to the Director of Elementary Education, namely respondent No. 2 within a period of three weeks from the date of receipt of a certified copy of this order. The Director of Elementary Education upon receipt of these documents and upon necessary verification and if the documents are found to be sufficient and in order, then the Director will forward the necessary proposal to the Director of Pension within a period of 60 days thereafter. Upon receipt of the proposal accompanied by the necessary documents, the Director of pension will process the pension and other retiral benefits and release to him without any further delay.

8. The writ petition accordingly stands closed in terms of the above. No order as to cost.

9. Interim order if any stands vacated.

JUDGE

Comparing Assistant