

GAHC010075582022



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

Case No. : WP(C)/2696/2022

MASUD AHMED LASKAR
S/O- LT. SAMSUDDIN LASKAR, R/O- AMBIKAPPATTY, HITESH BISWAS
ROAD, SILCHAR, P.O.- SILCHAR, P.S. SILCHAR, DIST.- CACHAR, ASSAM.

VERSUS

THE STATE OF ASSAM AND 6 ORS
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM, INDUSTRIES
AND COMMERCE DEPTT., DISPUR, GHY.-6.

2:THE COMMISSIONER OF INDUSTRIES AND COMMERCE
ASSAM
UDYOG BHAWAN
BAMUNIMAIDAM
GHY.- 21.

3:THE DIRECTOR
O/O THE COMMISSIONER OF INDUSTRIES AND COMMERCE
ASSAM
UDYOG BHAWAN
BAMUNIMAIDAM
GHY.-21.

4:THE GENERAL MANAGER
DIST. INDUSTRIES AND COMMERCE CENTRE
CACHAR
SILCHAR
ASSAM.

5:THE ACCOUNTANT GENERAL (A AND E)
MOIDAMGAON
BELTOLA

ASSAM.

6:THE SENIOR ACCOUNTS OFFICER
O/O THE PRINCIPAL ACCOUNTANT GENERAL (A AND E)
ASSAM
MOIDAMGAON
BELTOLA
DIST.- KAMRUP
ASSAM.

7:THE TREASURY OFFICER
SILCHAR
CACHAR
ASSAM

Advocate for the Petitioner : MR. J I BORBHUIYA

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

Date : 06.02.2024

Heard Mr. J. I. Borbhuiya, learned counsel for the petitioner. Also heard Ms. M. D. Borah, learned standing counsel, Industries and Commerce department.

2. This writ petition is preferred by the petitioner praying for release of his pension pursuant to rendering his regular service and superannuating from the Industries and Commerce department on 31.10.2020. Petitioner rendered 25 years of service and is therefore, entitled for grant of pension.

3. The affidavit filed by the department reflects that the final pension proposal of the petitioner is subjudice before a Co-ordinate Bench in WP(C)/997/2010, against which a writ appeal being Writ Appeal No. 253/2013 is also pending and therefore, the steps could not be undertaken to process the claims of the petitioner for pension and other retirement benefits.

4. On earlier dates the matters were adjourned to enabling both the counsels to apprise the Court as to the status of the writ appeal. Today when the matter is called up, both the learned counsels submits that the the writ appeal being Writ Appeal No. 253/2013 was disposed of, remanding the writ petition WP(C)/997/2010 back to the learned Single Judge for re-deciding the issue.
5. The Co-Ordinate Bench by Judgment and Order dated 20.09.2023 dismissed the writ petition challenging the initial appointment of the writ petitioner and other similarly situated persons came to be dismissed.
6. Ms. M. D. Borah, learned counsel for the department submits on instructions that since the writ petition have been dismissed and the order has been communicated to the department, the steps have been taken for facilitating the release of the petitioner's pension and other retiral benefits.
7. Mr. J. I. Borbhuiya, learned Counsel for the petitioner does not dispute this submission. He submits that the writ petition can be closed with a direction to the respondents to expedite the process of release of pension.
8. Having heard the learned counsels for the parties and upon due consideration of the submissions made, this court is of the view that since the department counsel has expressed no impediment in completion of the steps taken for release of pension and other retirement benefits, this writ petition can be closed taking into considerations the submissions made. Accordingly, writ petition is disposed of with a direction to the respondent Nos. 1, 2, 3 and 4 to expedite the process of finalizing the pension papers and forward the same to the office of the Accountant General, who in turn will process and endeavour to release the pension as expeditiously as possible as per provision of law.
9. The instructions received by the department counsel is placed before the

Court, which is kept on record.

10. This entire exercise be completed within a period of 60 (sixty) days from the date of receipt of a certified copy of this order.
11. Writ petition is accordingly disposed of. No order as to cost.
12. Interim orders, if any stands vacated.
13. Any pending I/As stands dismissed.

JUDGE

Comparing Assistant