

GAHC010090022024



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

Case No. : WA/171/2024

DR MISS JOGMAYA SAIKIA
D/O LATE KAMALKANTA SAIKIA, EX-LECTURER, NATIONAL INSTITUTE
OF TECHNOLOGY, SILCHAR, PRESENTLY A RESIDENT OF SAIKIA
BHAWAN, R.K. ROAD, ITACHALI, POST OFFICE- NAGAON, DISTRICT-
NAGAON, ASSAM, PIN-782001.

VERSUS

1: UNION OF INDIA AND 5 ORS REPRESENTED BY THE SECRETARY TO
THE GOVT. OF INDIA, MINISTRY OF EDUCATION DEPARTMENT, NEW
DELHI-1.

2:THE NATIONAL INSTITUTE OF TECHNOLOGY
SILCHAR REP. BY ITS DIRECTOR SILCHAR ASSAM PIN-788010

3:THE DEPUTY REGISTRAR NATIONAL INSTITUTE OF TECHNOLOGY
SILCHAR ASSAM PIN-788010

4:THE ASSTT. REGISTRAR NATIONAL INSTITUTE OF TECHNOLOGY
SILCHAR ASSAM PIN-788010

5:THE ACCOUNTANT GENERAL
NAGALAND KOHIMA-797001

6:THE DEPARTMENT OF EDUCATION
GOVT. OF NAGALAND REP. BY ITS SECY. KOHIMA-79700

For the Appellant(s) : Mr. S. Banik, Advocate.

For the Respondent(s) : Mr. B. Chakravarty, Central Government Counsel for respondent
No.1.

: Mr. S.P. Choudhury, Standing Counsel, NIT, Silchar for respondent
Nos.2, 3 & 4.

: Mrs. T. Khro, Additional Advocate General, Nagaland for respondent
Nos.5 & 6.

- B E F O R E -
HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI
HON'BLE MR. JUSTICE SUMAN SHYAM

25.06.2024
(Vijay Bishnoi, CJ)

This writ appeal is filed by the appellant being aggrieved with the judgment & order dated 29.02.2024 passed by the learned Single Judge in WP(C) No.6105/2015.

Before the Writ Court, the writ petitioner (appellant herein) has prayed for issuing a direction to the Regional Engineering College, Silchar [now National Institute of Technology (NIT)] to grant her pensionary benefits.

The learned Single Judge, taking note of the fact that the appellant was reemployed by the Regional Engineering College, Silchar on 16.10.1993, has held that it cannot be said that the appellant was appointed substantively on the post of Lecturer in the Regional Engineering College, Silchar. However, the learned Single Judge has observed that the Regional Engineering College, Silchar has illegally deducted the pension amount of the appellant paid by the Government of Nagaland and, therefore, has ordered for refund of the said amount to the appellant within a period of 2(two) months.

Having heard the learned counsel for the appellant and after going through the impugned judgment & order dated 29.02.2024 passed in WP(C) No.6105/2015 as well as the material available on record, we are of the view that no interference is called for in this writ appeal and hence, the same is dismissed.

JUDGE

CHIEF JUSTICE

Comparing Assistant