

GAHC010104942022



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

Case No. : WP(C)/3732/2022

BINODE BIHARI ROY
S/O- LATE RATAI RAM ROY, RETD. ASSTT. TEACHER
KALAIN HIGHER SECONDARY SCHOOL,
R/O- VILLAGE BARAITALI PART-I,
P.O- KALAIN,
P.S- KATIGORAH,
DIST- CACHAR, ASSAM, PIN-788815

VERSUS

THE STATE OF ASSAM AND 5 ORS
REP. BY THE SECRETARY TO THE GOVERNMENT OF ASSAM, EDUCATION
DEPARTMENT (SECONDARY), ASSAM CIVIL SECRETARIAT , DISPUR,
GUWAHATI-6, ASSAM

2:THE DIRECTOR
OF SECONDARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI-19

3:THE INSPECTOR OF SCHOOLS
CACHAR DISTRICT CIRCLE
SILCHAR
DIST- CACHAR
ASSAM
PIN-788815

4:THE PRINCIPAL
KALAIN HIGHER SECONDARY SCHOOL

VILLAGE - KALAIN

DIST- CACHAR
ASSAM
PIN-788815

5:THE COMMISSIONER AND SECRETARY
TO THE GOVERNMENT OF ASSAM
DEPARTMENT OF FINANCE
ASSAM CIVIL SECRETARIAT
DISPUR
GUWAHATI-781006

6:THE DIRECTOR OF PENSION
ASSAM HOUSEFED COMPLEX
DISPUR
BELTOLA ROAD
GUWAHATI
ASSAM
PIN-78100

Advocate for the Petitioner : MR. A K DUTTA

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 21.06.2024

Heard Mr. B.Purkayastha, learned counsel for the petitioner. Also heard Ms. D.Musahary, learned standing Counsel, Education Department, Assam appearing for the respondent Nos. 1, 2 and 3. Mr. P.Saikia, learned counsel appears for the respondent No.6, Director of Pension. Mr. A Chaliha, learned Standing Counsel appears for the respondent No. 5.

The grievance raised in the present proceeding is the inaction on the part of the respondent authorities in not releasing to the petitioner the arrears accruing on account of authorization of third financial upgradation under the MACP

Scheme as well as his non-revision of pension and pensionary benefits on account of increase in pay now coming into effect on account of the authorization to him under the 3rd MACP Scheme benefits.

Mr. P.Saikia, learned counsel for the Director of Pension submitted that the revised pension payment order, incorporating the revision of his pension and pensionary benefits on account of increase in the pay of the petitioner on authorization to him the benefits of the 3rd MACP Scheme, has been now been issued on 21.06.2024. Mr. Saikia submits that the copy of the same was also endorsed to the petitioner herein.

In view of the above position and the revision of pension and other pensionary benefits to the petitioner having been already effected by the concerned authorities, no further live issues remains for adjudication in the present proceeding.

In view of the above and in terms of the revised Pension Payment Order issued on 21.06.2024, this writ petition stands disposed of by directing the Director of Pension, Assam and Treasury Officer, Cachar to release to the petitioner the arrears now accruing to him in the matter within a period of 02(two) months from today.

It is directed that in the event, the petitioner is also entitled to receive further payments against leave salary on account of the revision of his pay taking place, the concerned authorities shall process the same and release the same due to the petitioner within a period of 03(three) months from the date of receipt of a certified copy of this order.

With the above observations and directions, this writ petition is disposed of.

The Pension Payment Order dated 21.06.2024 is kept on record and marked as 'X' for the purpose of identification.

JUDGE

Comparing Assistant