

GAHC010121012024



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

Case No. : WP(C)/3123/2024

MSTT. ZOHURA KHATUN
W/O- ABU MINHAS SARKAR,
R/O- VILLAGE SARKAR PARA,
P.O- MANKACHAR, DIST- SOUTH SALMARA MANKACHAR, ASSAM,
PIN-783131

VERSUS

THE STATE OF ASSAM AND 7 ORS
REP. BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM,
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT, ASSAM, DISPUR,
GUWAHATI- 781006.

2:THE COMMISSIONER AND SECRETARY
TO THE GOVT. OF ASSAM
PENSION AND PUBLIC GRIEVANCES DEPARTMENT
ASSAM
DISPUR
GUWAHATI-06

3:THE COMMISSIONER AND SECRETARY
TO THE GOVT. OF ASSAM
FINANCE DEPARTMENT
ASSAM
DISPUR
GUWAHATI- 781006.

4:THE COMMISSIONER
TO THE GOVT. OF ASSAM
COMMISSIONERATE OF PANCHAYAT AND RURAL DEVELOPMENT
ASSAM
PANJABARI
SIXMILE
GUWAHATI- 781037

5:THE DIRECTOR OF PENSION
ASSAM
HOUSEFED COMPLEX
DISPUR
GUWAHATI-06

6:THE CHIEF EXECUTIVE OFFICER
DHUBRI ZILLA PARISHAD
P.O AND DIST -DHUBRI
PIN- 783301.

7:THE CHIEF EXECUTIVE OFFICER
SOUTH SALMARA MANKACHAR ZILLA PARISHAD
FEKAMARI
DIST- SOUTH SALMARA MANKACHAR
ASSAM
PIN-783305

8:TREASURY OFFICER
SOUTH SALMARA MANKACHAR TREASURY
HATSINGIMARI
P.O- FEKAMARI
DIST-SOUTH SALMARA MANKACHAR
ASSAM
PIN-78330

Advocate for the Petitioner : MS. D GHOSH, MR. S. K. CHAKMA

Advocate for the Respondent : SC, P AND R.D., SC, FINANCE,GA, ASSAM

BEFORE
HON'BLE MR. JUSTICE KAUSHIK GOSWAMI

O R D E R

Date : 04.10.2024.

Heard Ms. D. Ghosh, learned counsel for the petitioner. Also heard Ms. N. Borah, learned Standing Counsel, P. & R.D.; Mr. C.K.S. Baruah, learned Government Advocate, Assam; and Mr. R. Borpujari, learned Standing Counsel,

Finance Department.

2. By way of this writ petition, the petitioner is seeking grant of full pension and other retiral benefits by considering the total length of service reckoned from the date of initial appointment of the petitioner's husband in the service of the Panchayat.

3. It is submitted at the bar that the issue involved in this writ petition is covered by the Judgment of the Division Bench of this Court rendered in the case of ***State of Assam and Another vs. Syed Md. Fazlay Rabbi*** in Writ Appeal no. 145/2009, wherein the Division Bench of this Court held that the benefit of the provisions of the Assam Panchayat Employees (Provincialisation) Act, 1999 including those for pension and other retirement dues would be available to the provincialized employees in service on or after 01.10.1991, on the basis of the length of their services reckoned from the dates of their initial appointments.

4. In view of the aforesaid endorsement made by the learned counsel for the parties, this Court is of the considered view that this Writ Petition can be disposed of in the line of the aforesaid decision of this Court. It is accordingly ordered. Needless to be said that, the total length of service of the petitioner's husband Late Abu Minhas Sarkar shall be reckoned from the date of his initial appointment i.e. 30.11.1957, in the service of the Gaon Panchayat Secretary for grant of family pension and other retiral benefits.

5. It is further clarified that the entire exercise shall be completed within a period of two months from the date of submission of a certified copy of this order by the petitioner in the office of the respondent nos. 4 & 5 and failing to

complete such exercise within the stipulated period, the same shall carry an interest of 6% per annum.

6. The writ petition stands allowed in the extent indicated above.

JUDGE

Comparing Assistant