

GAHC010123022021



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

Case No. : WP(C)/4245/2021

KARUNA CH DEKA

S/O- LT. TARINI DEKA, R/O- VILL- JAPARKUCHI, P.O. CHOWKBAZAR, P.S.
NALBARI, PIN- 781334, DIST.- NALBARI, ASSAM

VERSUS

THE STATE OF ASSAM AND 8 ORS
REP. BY THE PRINCIPAL SECY. TO THE GOVT. OF ASSAM, ENVIRONMENT
AND FORESTS DEPTT., DISPUR, GHY-6

2:THE COMM. AND SECY. TO THE GOVT. OF ASSAM
PENSION AND PUBLIC GRIEVANCE DEPTT.
DISPUR
GHY-6

3:THE COMM. AND SECY. TO THE GOVT. OF ASSAM
FINANCE (B) DEPTT.
DISPUR
GHY-6

4:THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS AND HOFF
GOVT. OF ASSAM
ENVIRONMENT AND FOREST DEPTT.
ASSAM
ARANYA BHAWAN
PANJABARI
GHY-37

5:THE PRINCIPAL ACCOUNTANT GENERAL
ASSAM
MAIDAMGAON
GHY-29

6:THE DIRECTOR OF PENSION
ASSAM
DISPUR

GHY-6

7:THE DIVISIONAL FOREST OFFICER
NORTH KAMRUP DIVISION
RANGIA
ASSAM

8:THE DIVISIONAL FOREST OFFICER
NALBARI SOCIAL FORESTRY DIVISION
NALBARI
ASSAM

9:THE TREASURY OFFICER
NALBARI TREASURY
NALBARI
ASSA

Advocate for the Petitioner : MR. J I BORBHUIYA

Advocate for the Respondent : SC, FOREST

BEFORE
HONOURABLE MR. JUSTICE NELSON SAILO

ORDER

Date : 13.03.2024

Heard Mr. L. Mohan, learned counsel for the petitioner. Also heard Mr. R. Borpujari, learned Standing Counsel, Finance Department, who appears for respondent Nos. 3 and 9; Mr. C.S. Hazarika, learned Government Advocate appears for respondent Nos. 2 and 6 and Mr. R.K.Talukdar, learned counsel for respondent No.4.

2. By filing this writ petition, the petitioner prays for a direction to the respondents to finalize the pensionary benefits including gratuity, leave encasement etc. entitled to him as per law. The petitioner retired as Forest Ranger and therefore claims that he is entitled to receive the above benefits as per law. It is further submitted on behalf of the petitioner that it is on account of certain enquiry conducted against him that the pension and pensionary

benefits have not been released to him.

3. Today Ms. M. Kalita, learned counsel, appearing for the Environment and Forest Department has produced the Enquiry Report on the enquiry conducted against the writ petitioner, which was forwarded by the Inquiry Officer to the Additional Chief Secretary, to the Government of Assam, Environment and Forest Department, Dispur, Guwahati vide letter dated 14.12.2023.

4. A perusal of the same goes to show that there was only one charge framed against the petitioner and the conclusion of the Enquiry Officer is that the charge is not proved. Under such circumstances, it will be incumbent upon the respondent authority concerned to take a decision in the matter and to pass appropriate order so that the petitioner may be able to get pensionary benefits as may be entitled to him as per law.

5. The writ petition is therefore disposed of with a direction to the respondents to finalize the enquiry proceedings drawn by passing an appropriate order and on the closure of the proceedings drawn accord the pensionary dues of the petitioner in accordance with law expeditiously and at any rate within the outer limit of 3 (three) months from the date of receipt of certified copy of this order.

6. The Communication dated 14.12.2023 and the Enquiry Report produced by the learned counsel for the Forest Department is retained on record and marked as 'X' for identification.

7. With the above observation and direction, the writ petition stands disposed of.

JUDGE

Comparing Assistant