

GAHC010123792015



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

Case No. : WP(C)/7035/2015

BHAGIRAT PATOWARY
S/O HARICHARAN PATOWARY R/O AMBIKAGIRI NAHAR P.O. ZOO ROAD,
P.S. GITANAGAR, GUWAHATI- 781024, DIST. KAMRUP METRO, ASSAM.

VERSUS

THE STATE OF ASSAM AND ANR.
THROUGH- THE SECRETARY, TO THE GOVT. OF ASSAM, GENERAL
ADMINISTRATION DEPARTMENT, DISPUR, GUWHATI - 6.

2:THE DEPUTY COMMISSIONER

KAMRUP METRO
GUWAHATI- 781001
DIST. KAMRUP METRO
ASSAM

Advocate for the Petitioner : MS.J BORAH, MR. S BISWAS,MDE AHMED,MR.S C BISWAS

Advocate for the Respondent : , ,GA, ASSAM(R1 &2),

B E F O R E
HON'BLE MR. JUSTICE NELSON SAILO

06.11.2024

Heard Mr. S C Biswas, learned counsel for the petitioner and Ms. M
Bhattacharjee, learned Addl. Senior Government Advocate. On 17.09.2024,

Court passed the following Order:-

“Mr. T.C Chutia, learned Addl. Senior Government Advocate, Assam, submits that the petitioner died-in-harness on 31.03.2024. He fairly submits that no disciplinary proceeding was initiated against the petitioner for his purported unauthorized absence.

Mr. Chutia, learned Addl. Senior Government Advocate, also submits that the respondent authorities are now processing the matter for regularizing the period of absence of the petitioner till his death so occasioning on 31.03.2024, for release to the petitioner, his salary for the said period and is also processing the matter for release of family pension to the next of the kin of the petitioner, herein.

Mr. Chutia, learned Addl. Senior Government Advocate, further submits that the above exercise would take 10 days time to be so concluded and he, accordingly, prays that the matter may be taken up after 10 days so as to enable him to place the upto-date status in the matter before this Court.

Prayer is accepted.

List it accordingly on 27th of September, 2024, for further consideration.”

Today, when the matter is listed again, Ms. M Bhattacharjee, learned State counsel has produced Order dated NIL/9/2024 passed by the District Commissioner, Kamrup Metropolitan District, Guwahati which is to the effect that

the unauthorized absence of Late Bhagirath Patowary who was working as Jarikarak, under the establishment of the Deputy Commissioner, Kamrup Metropolitan, has been commuted by grant of extra-ordinary leave. The same has been directed to be recorded in his service book to enable him get pensioner benefits as entitled under the relevant rules.

In view of above, it only appears that relief prayed for by the petitioner has been granted by the respondent authorities. Accordingly, the Writ Petition is disposed of with a direction to the respondent authorities to do the needful and to pay the pensioner benefits to the petitioner and his family as per law as expeditiously as possible, at any rate within the outer limit of 3 (three) months from today. A copy of the Order dated NIL/9/2024 shall be kept on record and marked as 'X' for identification.

JUDGE

Comparing Assistant