

GAHC010124162021



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

Case No. : WP(C)/4593/2021

RAM GOPAL PRASAD
S/O- LT. MAHABIR PRASAD, R/O- BASISTHA LOTAKATA, SANTI NAGAR,
GHY-29, DIST.- KAMRUP (M), ASSAM

VERSUS

THE GAUHATI UNIVERSITY AND 7 ORS
REP. BY THE REGISTRAR, GAUHATI UNIVERSITY, JALUKBARI, GHY-14

2:THE EXECUTIVE COUNCIL GAUHATI UNIVERSITY JALUKBARI
GHY-14 REP. BY ITS CHAIRMAN

3:THE VICE CHANCELLOR GAUHATI UNIVERSITY
JALUKBARI GHY-14

4:THE REGISTRAR GAUHATI UNIVERSITY
JALUKBARI GHY-14

5:THE TREASURER GAUHATI UNIVERSITY
JALUKBARI GHY-14

6:THE COMM. AND SECY. GOVT. OF ASSAM
FINANCE DEPTT. DISPUR GHY-6

7:THE COMM. AND SECY.
PENSION AND PUBLIC GRIEVANCES
GOVT. OF ASSAM DISPUR GHY

8:THE ACCOUNTANT GENERAL (A AND E)
MAIDAMGAON BELTOLA GHY-28 ASSAM

Advocate for the Petitioner : MR A UPADHYAY
Advocate for the Respondent : SC, G U

**BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR**

ORDER

Date : 10.01.2024

Heard Mr. A. Upadhyay, learned counsel, appearing on behalf of the petitioner. Also heard Mr. P. J. Phukan, learned standing counsel, Gauhati University, appearing on behalf of the official respondents.

The petitioner by way of instituting the present writ petition, has prayed for a direction for interference with an order, dated 05.03.2019, and also to release to him the pension and pensionary benefits. The petitioner has also prayed for a direction to the authorities of the Gauhati University to return 4 KVPs which was furnished by the petitioner to the authorities for a security for the work, he was engaged for.

It is to be noted that vide order, dated 15.06.2011, the petitioner was terminated from his services, and the said order of termination is not under challenge and still holds the field.

In view of the said position, the writ petitioner is not entitled to receive the pension and pensionary benefits. However, considering the prayer made by the learned counsel for the petitioner that the petitioner is entitled to certain other benefits including the subsistence allowance and return of the said 4 KVPs; this writ petition is hereby disposed of by directing the petitioner to submit a detailed representation before the Registrar, Gauhati University,

highlighting the dues receivable by him other than the pension and pensionary benefits on account of the services rendered by him prior to his termination from service including the claim for return of the 4 KVPs.

The Registrar, Gauhati University, or any other competent authority, empowered to take a decision in this connection, after taking due approvals that may be called for, shall consider the representation submitted by the petitioner strictly in accordance with law by noticing the rights of a terminated employee may have in making such claims, and dispose of the said representation, by a speaking order.

The petitioner, for the said purpose, shall submit a representation along with a certified copy of this order to the Registrar, Gauhati University, immediately.

The said exercise shall be initiated and carried-out within a period of 2(two) months from the date of receipt of the representation from the petitioner along with a certified copy of this order.

With the above directions, this writ petition stands disposed of.

JUDGE

Comparing Assistant