

GAHC010130532024



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

I.A.(Civil)/2333/2024 in
WP(C)/3498/2024

JALAL UDDIN BARBHUIYA

S/O LATE ABDUL WAHID BARBHUIYA
VILL AND P.O.-LAKHIRBOND PART-II
P.O.
P.S. AND DIST- HAILAKANDI
ASSAM

VERSUS

THE STATE OF ASSAM AND 6 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT
OF ASSAM
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT
DISPUR
GUWAHATI-6

2:THE COMMISSIONER OF PANCHAYAT AND RURAL DEVELOPMENT
DEPARTMENT
JURIPAR
GUWAHATI

3:THE DEPUTY COMMISSIONER
HAILAKANDI
P.O.
P.S. AND DIST- HAILAKANDI
ASSAM

4:PROJECT DIRECTOR
D.R.D.A
HAILAKANDI
P.O.

P.S. AND DIST- HAILAKANDI
ASSAM

5:THE DEPUTY COMMISSIONER

HAILAKANDI
P.O.
PS AND DISTRICT HAILAKANDI
ASSAM

6:THE C.E.O.
HAILAKANDI ZILLA PARISHAD
P.O.
P.S. AND DIST- HAILAKANDI
ASSAM

7:THE OFFICE OF THE BLOCK DEVELOPMENT OFFICE
HAILAKANDI DEVELOPMENT BLOCK
P.O.
P.S. AND DIST- HAILAKANDI
ASSAM

Advocate for : MR. A M BARBHUIYA
Advocate for : SC
P AND R.D. appearing for THE STATE OF ASSAM AND 6 ORS

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

19.08.2024.

Heard Shri AM Barbhuiya, learned counsel for the applicant/writ petitioner. Also heard Shri P Handique, learned Standing Counsel, P&RD Department, Assam.

By the present interlocutory application, the applicant has prayed for a direction for release of the provisional pension and other benefits.

While issuing notice in the connected writ petition on 15.07.2024, this Court had made the following observations:

“The pendency of this writ petition shall not be a bar for the respondent

authorities to examine the claim of the petitioner and release the provisional pension to the petitioner, if the petitioner is found entitled to the same.”

Shri Handique, learned Standing Counsel has submitted that the Assam Services (Pension) Rules, 1969 vests power on the authority to withhold pension even under certain conditions, including the implication and conviction in a criminal case and in the instant case, a criminal case is pending against the applicant.

Be that as it may, by balancing the equities, the instant interlocutory application is disposed of by directing that in tune with the observations made by this Court on 15.07.2024, let the provisional pension be worked out and paid to the petitioner expeditiously.

The aforesaid direction would, however, be subject to further order(s) that may be passed in the writ petition.

Interlocutory application accordingly stands allowed.

JUDGE

Comparing Assistant