

GAHC010159052018



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

Case No. : WP(C)/4889/2018

BINOD KR. SAIKIA
S/O. LATE DHANI RAM SAIKIA, PERMANENT RESIDENT OF VILL. NONOI
SUTARGAON, P.O. NONOI, DIST. NAGAON, ASSAM. PIN 782101

VERSUS

THE STATE OF ASSAM AND 3 ORS.
REP. BY THE SECRETARY HOME AFFAIR GOVERNMENT OF ASSAM,
DISPUR, GUWAHATI-6.

2:DIRECTOR GENERAL OF POLICE
ASSAM
ULUBARI
GUWAHATI-7.

3:THE SUPERINTENDENT OF POLICE

DIMAHASAO
DIST. HALFLONG
ASSAM.

4:THE DIRECTOR OF PENSION
GOVT. OF ASSAM
DISPUR
GUWAHATI
ASSAM- 781006

Advocate for the Petitioner : MR. A C SARMA

Advocate for the Respondent : GA, ASSAM

BEFORE
THE HON'BLE MR JUSTICE ARUN DEV CHOUDHURY
O R D E R

16.02.2024

None appears for the petitioner on call.

2. None did represent the petitioner when the matter was called on 09.02.2024.
3. The petitioner was initially appointed as UB Constable in Assam Police and was subsequently promoted to the rank of ASI (UB). While serving as ASI (UB) at Mahur Police station, Dima Hasao a departmental proceeding was drawn against him in the year 2010 with allegation of misappropriation of some money, which was seized in connection with Mahur Police station Case No.8/2009.
4. During the pendency of the departmental proceeding the petitioner retired from his service on 31.12.2013 on attaining the age of superannuation. The grievance of the petitioner is that the petitioner has not been paid any pensionary benefits and the departmental proceeding has also not been concluded. Accordingly the present writ petition was filed.
5. This Court under its order dated 27.07.2018, as an interim measure, directed the respondents to forthwith pay pensionary benefit to the petitioner. However, when no affidavit was filed by the respondent authorities nor the learned State counsel was aware whether the order dated 27.07.2018 has been complied with, this court requested Mr. Parajuli, learned counsel for the respondents to obtain instruction as regards the status of compliance of the interim order dated 27.07.2018 and the status of the departmental proceeding.
6. On instruction, Mr. Parajuli has submitted that pursuant to this Court's interim order dated 27.07.2018, the petitioner has been paid provisional pension inasmuch as departmental proceeding was concluded with a penalty of imposition of two black marks.

7. Be that as it may, as none appears for the petitioner and the interim order stated to has been complied with, this writ petition stands dismissed for non-prosecution.

JUDGE

Comparing Assistant