

GAHC010163342020



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

Case No. : Cont.Cas(C)/533/2020

DEBASHISH BHATTACHARYYA
S/O- LT. KSHITINDRA KUMAR BHATTACHARYYA, R/O- DUTTA VILA,
BHAGINI NIBEDITA LANE, LAXMI BAZAR ROAD, P.O. KARIMGANJ, DIST.-
KAMRIGANJ, ASSAM, PIN- 788710

VERSUS

DR. BIJOYA CHOUDHURY AND 2 ORS
DIRECTOR OF ELEMENTARY EDUCATION, ASSAM, KAHILIPARA, GHY-19,
ASSAM

2:KHAIRUL ISLAM HAZARIKA
DY. INSPECTOR OF SCHOOL
KARIMGANJ
DIST.- KARIMGANJ
ASSAM
PIN- 788710

3:JITENDRA KUMAR NATH
HEAD MASTER
JUMBASTI PRABALINI M.E. SCHOOL
DIST.- KARIMGANJ
ASSAM
PIN- 78871

For the Petitioner(s) : Mr. S.K. Goswami, Advocate

For the Respondent(s) : Mr. R. Mazumdar, Standing Counsel

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 13.12.2024

Heard Mr. S.K. Goswami, the learned counsel appearing on behalf of the petitioner and Mr. R. Mazumdar, the learned Standing Counsel appearing on behalf of the School Education Department.

2. The instant contempt application has been filed alleging willful and deliberate violation to the order dated 15.11.2019 passed in WP(C) No. 6702/2019 whereby this Court directed the Respondent Authorities to issue necessary order releasing the petitioner from service forthwith and to undertake the necessary process as expeditiously as possible with regard to release of salary, pension and other pensionary benefits etc., to the petitioner as he may be entitled to in accordance with law.

3. It is seen that pursuant to the order passed by this Court, an order was passed by the Director of Elementary Education on 12.12.2024 whereby it was opined that the petitioner herein would not be entitled to any payment following the principle of "No Work No Pay" for the period from 08.09.1997 to 06.05.2014. However, from 06.05.2014 to 31.08.2020 the petitioner would be entitled to receive his salary. It was also mentioned that as per the Assam Service (Pension) Rules, 1969, the pensionary benefit of the Government employee can only be counted for the period during service and not for work performed beyond superannuation and as such the petitioner would not be entitled to the benefit under the provisions of Assam Service (Pension) Rules, 1969.

4. Taking into account the above, in view of the order dated

12.12.2024, it cannot be said that the order passed by this Court dated 15.11.2019 in WP(C) No. 6702/2019 had not been complied with.

5. During the course of the hearing, a copy of the said order had also been furnished to Mr. S.K. Goswami, the learned counsel for the petitioner by Mr. R. Mazumdar, the learned Standing Counsel, School Education Department. The said order which was also placed before this Court during the course of the hearing is kept on record and marked with the letter "X".

6. Accordingly, the contempt proceedings stands dropped.

7. Before parting with the record, this Court however observes that the dropping of the instant contempt proceeding shall not affect the right of the petitioner to assail the order dated 12.12.2024, if otherwise permissible under law.

JUDGE

Comparing Assistant