

GAHC010167132021



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

Case No. : WP(C)/5494/2021

HIREN NAYAK
S/O LATE TAPESWAR NAYAK
RESIDENT OF VILLAGE PAKARIBARI, PO AND PS MAJBAT, UDALGURI,
DIST UDALGURI, 784114

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT
OF ASSAM, THE PENSION DEPARTMENT, SACHIVALAYA, DISPUR
GUWAHATI , ASSAM 781006

2:THE DIRECTOR OF PENSION

HOUSEFED COMPLEX
LAST GATE
DISPUR
GUWAHATI 781006

3:THE FINANCE AND ACCOUNTS OFFICER

DIRECTORATE OF PENSION
HOUSEFED COMPLEX
DISPUR GUWAHATI 06

4:THE DIRECTOR OF ELEMENTARY EDUCATION

ASSAM
KAHILIPARA
GUWAHATI 19

5:PRINCIPAL SECRETARY BODOLAND TERRITORIAL COUNCIL

KOKRAJHAR
ASSAM.
PIN- 783370

6:THE DISTRICT ELEMENTARY EDUCATION OFFICER

DARRANG
MANGALDAI.

7:DEPUTY INSPECTOR OF SCHOOLS

UDALGURI. PIN- 78450

Advocate for the Petitioner : MR. A SARMA, MR J P CHOUHAN

Advocate for the Respondent : GA, ASSAM, SC, BTC,SC, ELEM. EDU

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

O R D E R

03.10.2024

Heard Mr. A. Sarma, learned counsel appearing for the petitioner. Also heard Ms. D.D. Barman, learned Government Advocate, Assam appearing for the respondent Nos. 1, 2 & 3, Mr. T. Talukdar, learned Standing Counsel, Department of School (Elementary) Education, Assam, appearing for the respondent No.4 and Mr. S.R Rabha, learned Standing Counsel, BTC, appearing for the respondent Nos. 5, 6 & 7.

2. Matter relates to non-payment of family pension payable to the petitioner i.e., husband of Daibaki Nayak, an Assistant Primary Teacher of Benganabari Primary School, district-Udalguri, BTC, who died in harness on 23.09.2020.

3. During the deliberation of the matter, Mr. A. Sarma, learned counsel for the petitioner placed before the Court a copy of the communication of

the Director of Pension, Assam under No.Pen/ADP/PPO/GPO/2023-24/088943 dated 08.04.2024, whereby pension pay order has been issued in favour of the petitioner, husband of said Late Daibaki Nayak (expired Assistant Teacher), directing the Treasury Officer, Udalguri Treasury to pay LTA (Life Time Arrears) @ Rs.15,990/- w.e.f. 01.07.2016 to 23.09.2020 and 100% share from family pension @ Rs.17,700/- w.e.f. 24.09.2020 up to 30.09.2020 and thereafter @ Rs.10,670/- onwards, further directing the petitioner to appear before the Treasury Officer, Udalguri to receive the payment.

4. Moreover, by the said PPO No.Pen/ADP/PPO/GPO/ 2023-24/088943 dated 08.04.2024, the Director of Pension, Assam directed the Treasury Officer, Udalguri to make necessary payment to the petitioner, husband of said late Daibaki Nayak, (expired Assistant Teacher), the sum of 100% share of Rs.4,35,000/- as DCRG (Death-cum-Retirement Gratuity) on the death of said Daibaki Nayak (expired Assistant Teacher).

5. As the respondent authorities have already issued the necessary pension pay order in favour of the petitioner, noted above, this writ petition being infructuous, stands dismissed.

6. A copy of the pension pay order dated 08.04.2024 of the Director of Pension, Assam, noted above, be kept as part of the record.

JUDGE