

GAHC010153222024



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

Case No. : WP(C)/4262/2024

RAMESWAR KALITA
S/O- DIMBESWAR KALITA

R/O- VILLAGE- GARMUR KUMAR GAON
NEAR SHIVMANDIR

P.S- JORHAT
DIST- JORHAT
ASSAM PIN-785007

VERSUS

THE STATE OF ASSAM AND 3 ORS
REP. BY THE SECRETARY TO THE GOVERNMENT OF ASSAM
PUBLIC HEALTH ENGINEERING DEPARTMENT
DISPUR
GUWAHATI-6

2:THE CHIEF ENGINEER
(PHE) WATER
GOVT. OF ASSAM
HENGRABARI
GUWAHATI-36.

3:THE EXECUTIVE ENGINEER
PHE, JORHAT DIVISION

স্বাক্ষরিতঃ/স্বাক্ষরঃ

স্বাক্ষরিতঃ/স্বাক্ষরঃ

4:THE ACCOUNTANT GENERAL
(A AND E)
ASSAM
MAIDAMGAON
BELTOLA
GUWAHATI-29

Advocate for : MR. L R MAZUMDER
Advocate for : SC
P H E appearing for THE STATE OF ASSAM AND 3 ORS

**BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

13.09.2024

Mr. L. R. Mazumdar, learned counsel for the petitioner submits that the issue raised in the writ petition is covered by the decision of this Court rendered in the case of **Sanjita Roy & others Vs. State of Assam and others** reported in **2019 (2) GLT 805** and therefore, the writ petition can may be disposed of accordingly.

2. The fact of the case, in a nutshell, is that the writ petitioner herein was initially engaged as Muster Roll Worker and he had joined on 01.01.1993. During the course of his service, the petitioner was regularised as Khalasi with effect from 22.07.2005. On attaining the age of superannuation the petitioner had retired from service with effect from 31.10.2017. The grievance of the petitioner is that although he had completed more than 20 years of continuous service as a regular employee and hence, was entitled to receive pension under the Rules, his prayer for payment of pension had been rejected by the authorities. Hence, this writ petition.

3. Mr. R. R. Gogoi, learned Standing Counsel, PHE Department, Assam has submitted in his usual fairness that there is no dispute in this case about the fact that the petitioner has rendered more than 20 years of regular service as Khalasi and therefore, in view of the decision of this Court in the case of **Sanjita Roy & others** (supra), he would be entitled to receive pension.

4. Taking note of the decision of this Court in the case of **Sanjita Roy & others** (supra) and the submissions of Mr. R. R. Gogoi, learned departmental counsel as well as Mr. R. K. Talukdar, learned Standing Counsel, office of the Accountant General, Assam, both of whom are in agreement with the petitioner's counsel that this case is covered by the decision of this Court, this writ petition is being disposed of with a direction that the respondents will process the claim of the petitioner for payment of pension as per the decision of this Court in the case of **Sanjita Roy & others** (supra), within a period of three months from the date of receipt of a certified copy of this order.

5. It is, however, made clear that the terminal service benefits, if any, already received by the petitioner, shall be adjusted against the retirement/ pensionary dues payable to him.

Writ petition stands disposed of accordingly.

JUDGE

Comparing Assistant