

GAHC010171072024



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

Case No. : WP(C)/4309/2024

SAMSUN NEHAR
DAUGHTER OF LATE SAMSUDDIN ALI, RESIDENT OF VILLAGE- ALIPARA
WARD NO.4, P.O. GOALPARA, PIN- 783101, DISTRICT- GOALPARA, ASSAM

VERSUS

1: THE STATE OF ASSAM AND 6 ORS REPRESENTED BY THE
COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF ASSAM,
DEPARTMENT OF IRRIGATION, DISPUR, GUWAHATI- 06

2: COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF ASSAM
DEPARTMENT OF PENSION AND PUBLIC GRIEVANCES DISPUR
GUWAHATI-6 ASSAM

3: COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF ASSAM
FINANCE DEPARTMENT ASSAM DISPUR GUWAHATI-6

4: THE CHIEF ENGINEER IRRIGATION DEPARTMENT
ASSAM CHANDMARI GUWAHATI-3

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

6: THE UNDER SECRETARY (E) TO THE GOVERNMENT OF ASSAM
IRRIGATION DEPARTMENT ASSAM CHANDMARI GUWAHATI-3

7: THE EXECUTIVE ENGINEER
IRRIGATION DEPARTMENT GOALPARA DIVISION GOALPAR

Advocate for the Petitioner : MR D MAHANTA,

Advocate for the Respondent : SC, IRRIGATION, SC, AG (A AND E), SC, FINANCE, GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI**

ORDER

Date : 18-09-2024

Heard Mr. D. Mahanta, learned counsel for the petitioner. Also heard Mr. N. Upadhaya, learned standing counsel, Irrigation Department, appearing for the respondent Nos.1, 4, 6 & 7; Ms. M. Bhattacharjee, learned Additional Senior Government Advocate, Assam, appearing for the respondent No.2; Mr. A. Chaliha, learned standing counsel, Finance Department, appearing for the respondent No.3 and Mr. S.K. Medhi, learned standing counsel, Accountant General (A&E), appearing for the respondent No.5.

By filing this writ petition under Article 226 of the Constitution of India, the petitioner is seeking release of her pensionary benefits. It is submitted that the petitioner had served for 25 years and 11 months in the concerned Irrigation Department and her services were regularized w.e.f. 22.07.2005 and only on the issue of completion of the qualifying service, the pensionary benefits have not been given to her.

It is submitted at the bar that the issue involved in this writ petition is covered by the judgment of this Court rendered in the case of ***Sanjita Roy & Ors. -Vs- State of Assam & Ors.***, reported in ***2019 (2) GLT 805***.

In view of the endorsement made by the learned counsels appearing for the parties, this Court, in the interest of justice, considers it fit to dispose of this writ petition in accordance with the decision of this Court rendered in the case of ***Sanjita Roy*** (supra). Accordingly, the respondent authorities are directed to pay the pensionary benefits of the petitioner immediately in terms of the aforesaid decision of this Court. It is needless to clarify that the aforesaid exercise shall be completed within a period of 3(three) months from the date of

receipt of a certified copy of this order.

With the above observation and direction, the writ petition stands disposed of.

JUDGE

Comparing Assistant