

GAHC010171452024



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

Case No. : WP(C)/4319/2024

SUMITRA DUTTA
WIFE OF LATE MONISH DUTTA,
RETD. GRADE IV,
A RESIDENT OF LINK ROAD, LANE NO. 7, SILCHAR,
P.O. AND P.S.- SILCHAR, PIN- 788005,
DISTRICT- CACHAR, ASSAM.

VERSUS

THE STATE OF ASSAM AND 6 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM,
PENSION AND PUBLIC GRIEVANCES DEPARTMENT,
DISPUR, GUWAHATI- 781006.

2:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
AGRICULTURE DEPARTMENT
DISPUR
GUWAHATI- 781006.

3:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
FINANCE DEPARTMENT
DISPUR
GUWAHATI- 781006.

4:THE PRINCIPAL ACCOUNTANT GENERAL (A AND E)
ASSAM
MAIDAMGAON
BELTOLA
GUWAHATI- 781019.

5:THE DIRECTOR OF AGRICULTURE

ASSAM
KHANAPARA
GUWAHATI
PIN- 781022.

6:THE DISTRICT AGRICULTURAL OFFICER
CACHAR
SILCHAR
ASSAM
PIN- 788001.

7:THE TREASURY OFFICER
SILCHAR
P.O.- SILCHAR
PIN- 788001

DISTRICT- CACHAR
ASSAM

Advocate for the Petitioner : MR. S D PURKAYASTHA, MS S.S.BORA

Advocate for the Respondent : GA, ASSAM, SC, AG,SC, FINANCE,SC, AGRI. DEPARTMENT

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

20.09.2024.

Heard Shri SD Purkayastha, learned counsel for the petitioner and Ms. A Talukdar learned Government Advocate, Assam for the State respondents. Also heard Ms. R Borah, learned Standing Counsel, Agriculture Department, Assam as well as Shri A Chaliha, learned Standing Counsel, Finance Department, Assam. Shri SK Medhi, learned Standing Counsel, Accountant General, Assam is also present.

It is submitted on behalf of the petitioner that though the service of the petitioner, as Muster Roll Worker, was regularized, only on the ground of non-fulfillment of 20 years of continuous service as a regular employee, the pension has been denied.

Heard the learned counsel for the parties.

It appears that the petitioner's services were regularized vide order dated 05.10.2005 issued by the respondent no. 5, Director of Agriculture, Assam w.e.f. from the date of his engagement. The petitioner has retired from service on 31.08.2016. The grievance of the petitioner is that despite the pension proposal of the petitioner being submitted to the respondent no. 4, no final decision has been taken by the said respondent no. 4 with regard to the grant of pension to the petitioner.

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

In view of the aforesaid endorsement made by the learned counsel for the parties, this Court deems it appropriate to dispose of this writ petition in terms of the judgment of this Court in ***Sanjita Roy (supra)***.

Resultantly, the respondent no. 4 is directed to take a decision on the petitioner's pension proposal within a period of 3 months from the date of receipt of a certified copy of this order.

It is, however, made clear that the terminal amount paid to the petitioner shall be adjusted against the pension payable to the petitioner.

The writ petition accordingly stands disposed of.

JUDGE

Comparing Assistant