

GAHC010186532020



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

Case No. : WP(C)/146/2021

WASIM AHMED
S/O LATE ALTAF HUSSAIN,
RESIDENT OF VILLAGE DALGAON TOWN, ALIPUR ROAD, PO DALGAON,
DIST DARRANG, ASSAM 784125

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY, DEPARTMENT
OF GENERAL ADMINISTRATION, DISPUR GUWAHATI 781006

2:THE DEPUTY COMMISSIONER
DARRANG

MANGALDAI
DARRANG

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

4:THE ADDITIONAL DEPUTY COMMISSIONER
DARRANG
MANGALDAI
DARRAN

Advocate for the Petitioner : MR. T N SRINIVASAN

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR**

ORDER

Date : 24.06.2024

Heard Mr. T. N. Srinivasan, learned counsel for the petitioner. Also heard Mr. C. K. S. Baruah, learned State Counsel.

The petitioner herein has raised a grievance with regard to non finalization of the pension and other pensionary benefits of his father, who while serving as a Junior Assistant in the office of the Deputy Commissioner had died in harness on 19.11.2010.

It is seen that the father of the petitioner was placed under suspension on account of a criminal proceeding being initiated against him. The materials on record, reveals that the criminal case so instituted against the father of the petitioner was concluded vide the Judgment dated 11.07.2007, passed by the Sub-Divisional Judicial Magistrate, Udalguri, in G.R. Case No. 392/2006 acquitting the father of the petitioner from the charges so framed against him by holding that he was not guilty of an offence as alleged against him in the said proceeding.

It is seen that after the said criminal case was so concluded on 11.09.2007, no departmental proceeding in the matter was initiated against the father of the petitioner and admittedly, he had died in harness on 19.11.2010. It is also seen that the period of suspension of the father of

the petitioner was not also regularized.

An affidavit has been filed by the Deputy Commissioner, Darrang, in the matter and therein, it has been submitted that the process for releasing to the petitioner of the benefits in respect of services rendered by the petitioner is under process. The affidavit was filed on 11.08.2023.

Mr. C. K. S. Baruah, learned counsel for the respondent, on being queried as to whether the said process has come to a conclusion? Mr. Baruah, learned counsel has submitted that he has received no instructions in this connection.

In view of the above, it is directed that the period of suspension of the father of the petitioner be regularized by the Deputy Commissioner, Darrang, and thereafter, the arrears of pay now due to the petitioner, on account of the said period of suspension being required to be so regularized as 'on duty', be released to the petitioner herein.

Further, any other benefits as may be due to the father of the petitioner herein, on account of the services rendered by his father in the establishment of the Deputy Commissioner, Darrang, be also processed and released to the petitioner herein at the earliest.

The above exercise be initiated and concluded by the Deputy

Commissioner, Darrang, including release of the amounts found due in the matter to the petitioner, within a period of 2(two) months from the date of receipt of a certified copy of this order.

With the above observations and directions, the writ petition stands disposed of.

JUDGE

Comparing Assistant