

GAHC010167732024



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

I.A.(Civil)/2945/2024 in
WP(C)/4252/2024

PRABIN KR NATH
SON OF SRI GHANASHYAM NATH
RESIDENT OF TINSUKIA TOWN
P.O. AND P.S. TINSUKIAR
IN THE DISTRICT OF TINSUKIA
ASSAM
PIN- 786125

VERSUS

THE STATE OF ASSAM AND 7 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF
ASSAM
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT
DISPUR
GUWAHATI- 781006

2:THE PRINCIPAL SECRETARY
GOVERNMENT OF ASSAM
PERSONNEL DEPARTMENT
DISPUR
GUWAHATI- 781006

3:THE SECRETARY
GOVERNMENT OF ASSAM
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT
DISPUR
GUWAHATI- 781006

4:THE SECRETARY
GOVERNMENT OF ASSAM
PERSONNEL (A) DEPARTMENT

DISPUR
GUWAHATI- 781006

5:DEPUTY SECRETARY
GOVERNMENT OF ASSAM
PASNCHAYAT AND RURAL DEVELOPMENT DEPARTMENT
DISPUR
GUWAHATI- 781006

6:THE DEPUTY SECRETARY
GOVERNMENT OF ASSAM
PERSONNEL (A) DEPARTMENT
DISPUR
GUWAHATI- 781006

7:THE COMMISSIONER
GOVERNMENT OF ASSAM
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT
DISPUR
GUWAHATI- 781006

8:THE COMMISSIONER
GOVERNMENT OF ASSAM
PERSONNEL (A) DEPARTMENT
DISPUR
GUWAHATI- 781006

Advocate for : MRS M D CHOWDHURY
Advocate for : SC
P AND R.D. appearing for THE STATE OF ASSAM AND 7 ORS

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

20.09.2024.

Heard Mrs. MD Chowdhury, learned counsel for the applicant. Also heard Shri P Handique, learned Standing Counsel, Panchayat & Rural Development (P&RD) Department, Assam as well Shri CK Sarma Baruah, learned Government Advocate, Assam.

By filing of this application, the applicant is seeking modifications/amendments to

the prayer contained in the connected writ petition i.e. WP(C)/4252/2024. The modifications/amendments, as sought for, are mentioned in paragraphs 3 and 4 to the writ petition and those are reproduced hereinbelow for ready reference:

“3. That the following portion of the prayers need to be added/inserted or amended in the prayer part instead of "shall not be directed to release the full pensionary benefit of the Petitioner".

The amended part will be from:

"calling upon the Respondents to show cause as to why the Respondents, more particularly the Respondent No. 1 shall not be directed to act upon the assurances made in Order No. E-288998/DFA/1 dated Dispur the 28th March of 2023 for releasing the full pensionary benefit to the Petitioner in revised pay scale for the period from 2000 till his retirement and as to why the Respondents shall not be directed to do the needful to clear Efficiency Bar Crossing of the Petitioner as early as possible as per Order dated 28.03.2023 and as to why interest @ 12% per annum shall not be paid to the petitioner on revised pay scale held up since 2000 and also for the pensionary benefit from the date of his entitlement and as to why Respondents shall not be punished for the ir act of negligence, arbitrariness and illegally and also for violation of Constitutional right of the Petitioner by paying him compensation and as to why appropriate writ/writs shall not be issued to the Respondents and after hearing the parties, cause or causes that may be shown if any, make the Rule absolute and/or pass such further or other order or orders as Your Lordships may deem fit and proper, Your Lordships may further be pleased to direct the Respondents to take necessary action to clear

Efficiency Bar Crossing, during the pendency of the Petition".

4. That the Applicant humbly prays that after amendment is allowed by this Hon'ble Court, the following will be entire prayer in the amended writ petition:

"In the premises aforesaid, it is therefore, most humbly prayed that Your Lordships may be pleased to admit this petition, call for the records, issue notice calling upon the Respondents to show cause as to why the Respondents, more particularly the Respondent No. 1 shall not be directed to act upon the assurances made in Order No. E-288998/DFA/1 dated Dispur the 28th March of 2023 for releasing the full pensionary benefit to the Petitioner in revised pay scale for the period from 2000 till his retirement and as to why the Respondents shall not be directed to do the needful to clear Efficiency Bar Crossing of the Petitioner as early as possible as per order dated 28.03.2023 and as to why interest 12% per annum shall not be paid to the petitioner on revised pay scale held up since 2000 and also for the pensionary benefit from the date of his entitlement and as to why Respondents shall not be punished for their act of negligence, arbitrariness and illegally and also for violation of Constitutional right of the Petitioner by paying him compensation and as to why appropriate writ/writs shall not be issued to the Respondents and after hearing the parties, cause or causes that may be shown if any, make the Rule absolute and/or pass such further or other order or orders as Your Lordships may deem fit and proper. Your Lordships may further be pleased to direct the Respondents to take necessary action to clear Efficiency Bar Crossing, during the pendency of the Petition."

The learned counsel for the respondents submit that they do not have any

instruction to object to the said prayer for modifications/amendments.

On perusal of the aforesaid paragraphs 3 and 4, it appears that due to inadvertence, some relevant dates and sentences were dropped and accordingly, some errors have crept into the prayer part of the connected WP(C)/4252/2024 for which, the present application has been filed. Accordingly, this Court is of the opinion that in the interest of justice, it has become necessary to correct the same.

In view of the above, the interlocutory application stands disposed of by allowing the modifications/amendments as quoted hereinabove.

The applicant/petitioner is directed to submit an amended petition of the connected WP(C)/4252/2024 to the Registry of this Court for doing the needful.

It is needless to state that amended copies of the writ petition may also be furnished to the other sides.

Interlocutory application accordingly stands disposed of.

JUDGE

Comparing Assistant