

GAHC010215692024



2024:GAU-AS:10576

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

Case No. : WP(C)/5475/2024

DHARMA NATH
SON OF LATE THULESWAR NATH, RESIDENT OF VILLAGE- KADOICHUK,
P.O. AND P.S. JAMUGURIHAT, DIST.- SONITPUR, ASSAM, PIN- 784180

VERSUS

THE STATE OF ASSAM AND 7 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, DEPARTMENT OF SCHOOL EDUCATION, DISPUR, GUWAHATI-6

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

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

4:THE DIRECTOR
ELEMENTARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI-19

5:THE DIRECTOR OF PENSION
ASSAM HOUSEFED COMPLEX
CENTRAL BLOCK
6TH FLOOR BELTOLA ROAD
GUWAHATI-06

6:THE DEPUTY INSPECTOR OF SCHOOL
TEZPUR
DIST.- SONITPUR (ASSAM)
PIN- 784001

7:THE BLOCK ELEMENTARY EDUCATION OFFICER
NADUAR
JAMUGURIHAT
DIST.- SONITPUR
ASSAM
PIN- 784182

8:THE TREASURY OFFICER
SONITPUR TREASURY
DIST.- SONITPUR
ASSAM
PIN- 78418

Advocate for the Petitioner : MR. K R PATGIRI, MS. D. DEVI,MS K BARMAN,MS
CHITRALEKHA DAS

Advocate for the Respondent : GA, ASSAM, SC, FINANCE DEPTT.,SC, ELEM. EDU

BEFORE
HONOURABLE MR. JUSTICE LANUSUNGKUM JAMIR

ORDER

Date : 29.10.2024

- 1.** Heard Mr. K.R. Patgiri, learned counsel for the petitioner.
- 2.** Also heard Mr. A Phukan, learned standing counsel, Elementary Education Department, for the respondent Nos. 1, 4, 6 & 7; Mr. P. Saikia, learned Government Advocate, for the respondent Nos. 2 & 5 and Ms. R.M. Boruah, learned standing counsel, Finance Department, for the respondent Nos. 3 & 8.
- 3.** It is the case of the petitioner that he was appointed as a Stipendiary Teacher and accordingly, he joined the Chaunichuk L.P. School on 01.09.2000. Thereafter, he was regularised by granting regular scale of pay after completion

of the In-service Primary Teachers' Training Course by an Order dated 03.06.2003. The petitioner, thereafter, retired on superannuation on 31.05.2010 after rendering 9 (nine) years 9 (nine) months of service. Thereafter, the petitioner approached this Court by filing WP(C) No. 612/2022 seeking a direction to the respondents to relax the shortfall of remaining 3 months of service by the petitioner to complete 10 years of net qualifying service which is a requirement for employees to get pension under the Assam Services (Pension) Rules, 1969 (Rules of 1969 in short). As the provision for relaxation of the shortfall of the qualifying period of service is provided under Rule 67 of the Rules of 1969, wherein the Government can take a decision on such relaxation to be given, accordingly, WP(C) No. 612/2022 was disposed of on 07.09.2022 directing the petitioner to file an application under Rule 67 of the Rules of 1969 seeking condonation of the net qualifying service of the petitioner. This Court further provided that in the event, the petitioner file the application under Rule 67 of the Rules of 1969, the appropriate authority shall consider the same and pass appropriate orders as expeditiously as possible preferably within a period of 3 (three) months from the date of filing of such application.

4. In terms of the directions passed by this Court on 07.09.2022, the petitioner, accordingly, made an application under Rule 67 of the Rules of 1969 on 14.09.2022 before the Commissioner & Secretary to the Government of Assam, Elementary Education Department. However, as the said application, dated 14.09.2022, is yet to be considered by the Commissioner & Secretary to the Government of Assam, Elementary Education Department, the petitioner is before this Court by way of the present writ petition.

5. As the application of the petitioner, dated 14.09.2022, is yet to be considered, this writ petition is disposed of directing the Respondent No.

1/Secretary to the Government of Assam, Department of School Education to consider and dispose of the application made by the petitioner on 14.09.2022 as expeditiously as possible and in accordance with law but not later than 1 (one) month from the date of receipt of a certified copy of this order.

6. With the above observations and directions, this writ petition is disposed of.

JUDGE

Comparing Assistant