

GAHC010223342024



2024:GAU-AS:12102

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

Case No. : WP(C)/5526/2024

BIDHAN SAIKIA AND 30 ORS
AGE 58 YEARS,
S/O. LATE TULSI SAIKIA,
R/O. VILLAGE BALIJAN BURAKURI,
P.O. BORDOLONI, P.S. GOGAMUKH,
DISTRICT DHEMAJI, ASSAM.
PIN CODE 787026
HEADMASTER OF GURATHALI L.P. SCHOOL.

2: SMTI SANJU CHUTIA BORUAH
AGED ABOUT 53 YEARS
W/O. DUGESWAR BORUAH
R/O. VILLAGE BORDOLONI KALITA GAON
P.O. BORDOLONI
P.S. GOGAMUKH
DISTRICT DHEMAJI
ASSAM.
PIN CODE 787026
ASSISTANT TEACHER OF BORDOLONI BOYS M.V. SCHOOL

3: SMT. SWARNALATA MILI
AGE 50 YEARS
W/O. RAKESH PAYENG
R/O. VILLAGE CHINAICHUK
P.O.
ARADHAL
P.S. DHEMAJI
DISTRICT DHEMAJI
ASSAM.
PIN CODE 787057
ASSISTANT TEACHER OF MAICHA NUNIBARI L.P. SCHOOL.

4: SMT. RESHNA DEORI
AGE 47 YEARS

W/O. DILESWAR DEORI
R/O. VILLAGE PUB BALIGAON
P.O. AND P.S. GUGAMUKH
DISTRICT DHEMAJI
ASSAM.
PIN CODE 787034
ASSISTANT TEACHER OF BHITAR SANTI L.P. SCHOOL.

5: SMTI. RUNUMI DUTTA KALITA
AGED ABOUT 53 YEARS
W/O SUBHAN CH. KALITA
R/O. VILLAGE NO. 2
BORAJAN
P.O. MACHKHOWA
P.S. DHEMAJI
DISTRICT DHEMAJI
ASSAM.
PIN CODE 787058
ASSISTANT TEACHER OF NO. 1 BORAJAN ADARSHA M.E. SCHOOL.
(AMALGAMATED)

6: SRI SANJIB BORAH
AGE 46 YEARS
S/O LATE DILIP BORAH
R/O VILLAGE PANITOLA
P.O. CHAMARAJAN
P.S. DHEMAJI
DISTRICT DHEMAJI
ASSAM.
PIN CODE 787057
ASSISTANT TEACHER OF NARUATHAN JYOTI RUPA HIGH SCHOOL.
(AMALGAMATED)

7: SRI JAYANTA MADHAB DEORI
AGED ABOUT 56 YEARS
S/O. LATE GUNASING DEORI
R/O. VILLAGE BORBAM DEORI
P.O. DEORI BORBAM
P.S. GOGAMUKH
DISTRICT DHEMAJI
ASSAM.
PIN CODE 787026
ASSISTANT TEACHER OF BORBAM HIGH SCHOOL
(AMALGAMATED)

8: SRI PRASANTA DAS
AGE 47 YEARS
S/O. JIBEDHAR DAS

R/O. VILLAGE ADARSHA GAON
P.O. DHUBABARI
P.S. DHEMAJI
DISTRICT DHEMAJI
ASSAM.
PIN CODE 787058
HEADMASTER OF RABAKUNA L.P. SCHOOL.

9: SRI NABAJIT BARUAH
AGE 47 YEARS
S/O. LATE BIRESWAR BARUAH
R/O. WARD NO.3 RATANPUR ROAD
P.O. AND P.S. DHEMAJI
DISTRICT DHEMAJI
ASSAM.
PIN CODE 787057
ASSISTANT TEACHER OF DHEMAJI TOWN M.E. SCHOOL.

10: SRI CHANDRA BORGOHAIN
AGE 53 YEARS
S/O. LATE UMESH BORGOHAIN
R/O. VILLAGE BAKAL P.O. KHUBALIA
P.S. DHEMAJI
DISTRICT DHEMAJI
ASSAM.
PIN CODE 787057
ASSISTANT TEACHER OF DHEMAJI M.V. SCHOOL.

11: SMTI. QUEEN SAIKIA
AGE 47 YEARS
W/O. CHANDRA BORGOHAIN
R/O. VILLAGE BAKAL GAON
P.O. KHUBALIA
P.S. DHEMAJI
DISTRICT DHEMAJI
ASSAM.
PIN CODE 787057
ASSISTANT TEACHER OF KHUBALIA L.P. SCHOOL.

12: SRI SAMIR BURAGOHAIN
AGE 49 YEARS
S/O. LATE DIPTI BURAGOHAIN
R/O. WARD NO. 9
NAPAM GAON
P.O. KHUBALIA
P.S. DHEMAJI
DISTRICT DHEMAJI
ASSAM.

PIN CODE 787057
ASSISTANT TEACHER OF DHEMAJI TOWN M.E. SCHOOL.

13: SRI NABIN CH SUTRADHAR
AGE 54 YEARS
S/O. LATE MAHENDRA SUTRADHAR
R/O. MILON NAGAR
P.O. GOGAMUKH
P.S. GOGAMUKH
DISTRICT DHEMAJ
ASSAM.
PIN CODE 787057
HEADMASTER OF BARACHIRA M.E. SCHOOL.

14: SMTI. PARIMEETA GOGOI
AGE 51 YEARS
W/O. THANESWAR GOGOI
R/O. VILLAGE PUWA SAIKIA
P.O. NARUATHAN
P.S. DHEMAJI
DISTRICT DHEMAJI
ASSAM.
PIN CODE 787057
ASSISTANT TEACHER OF PUWA SAIKIA L.P. SCHOOL.

15: SMT. SONITA DEORI
AGE 52 YEARS
W/O. SUBHANJOY DEORI
R/O. VILLAGE BAMCHENIA
P.O. KADAMGURI
P.S. GOGAMUKH
DISTRICT DHEMAJI
ASSAM.
PIN CODE 787034
ASSISTANT TEACHER OF BALIJAN ABHOIYAPUR L.P. SCHOOL.

16: SRI RAJESWARI PEGU
AGE 59 YEARS
C/O. LATE KULAMAN PEGU
R/O. VILLAGE BADATI
P.O. MINGMANG
P.S. GOGAMUKH
DISTRICT DHEMAJI
ASSAM.
PIN CODE 787034
ASSISTANT TEACHER OF GARPARA RUPAHI L.P.SCHOOL.

17: SRI NITYA SAIKIA

AGE 58 YEARS
C/O. LATE TANKESWAR SAIKIA
R/O. VILLAGE KHONGIA CHAPORI
P.O. LAGEABARA
P.S. DHEMAJI
DISTRICT DHEMAJI
ASSAM.
PIN CODE 787073
ASSISTANT TEACHER OF NO. 2 GOHAIN GAON L.P. SCHOOL
(AMALGAMATED)

18: SRI TULAN PEGU
AGE 46 YEARS
S/O. SARBESWAR PEGU
R/O. VILLAGE BECHAMARA
P.O. SUBAHI PATHAR
P.S. DHEMAJI
DISTRICT DHEMAJI
ASSAM.
PIN CODE 787057
ASSISTANT TEACHER OF BECHAMARA HIGH SCHOOL (AMALGAMATED)

19: SMTI. TUPALI HANDIQUE
AGE 48 YEARS
W/O. AJOY KUMAR GOGOI
R/O. VILLAGE NO. 1 HILOIDARI
P.O. DIGHALA HILOIDARI
P.S. DHAKUAKHANA
DISTRICT LAKHIMPUR
ASSAM.
PIN CODE 787055
ASSISTANT TEACHER
JORKATA HIGHER SECONDARY SCHOOL (AMALGAMATED)

20: SMT. RANJANA DAS
AGE 55 YEARS
C/O. DUMBARU SONOWAL
R/O. VILLAGE RUPNAGAR WARD NO. 6
P.O. ARADHAL
P.S. DHEMAJI
DISTRICT DHEMAJI
ASSAM.
PIN CODE 787057
ASSISTANT TEACHER OF RAICHAPORI HIGH SCHOOL (AMALGAMATED)

21: SMTI. KANAK LATA HAJONG
AGED ABOUT 48 YEARS
C/O. RAMESWAR HAJONG

R/O. VILLAGE BORABHUYAN
P.O. JOYRAMPUR
P.S. GOGAMUKH
DISTRICT DHEMAJI
ASSAM.

PIN CODE 787035

ASSISTANT TEACHER OF JOYRAMPUR HIGH SCHOOL (AMALGAMATED)

22: SRI MONIDHAR PAYENG

AGE 54 YEARS

C/O. LUHIT PAYENG

R/O. VILLAGE LATAK GAON

P.O. AND P.S. GOGAMUKH

DISTRICT DHEMAJI

ASSAM.

PIN CODE 787034

ASSISTANT TEACHER OF GOROIMARI FULBARI L.P. SCHOOL.

23: SRI NAKUL BORGOHAIN

AGE 56 YEARS

C/O. LATE MILESWAR BORGOHAIN

R/O. VILLAGE BORPATARIA WARD NO. 8

P.O AND P.S. DHEMAJI

DISTRICT DHEMAJI

ASSAM.

PIN CODE 787057

ASSISTANT TEACHER OF RANGKOP BULAKATA HIGH SCHOOL.
(AMALGAMATED)

24: SMTI. NANDITA BURAGOHAIN

AGED ABOUT 55 YEARS

C/O. BHUGESWAR NATH BURAGOHAIN.

R/O. VILLAGE GOHAIN GAON

P.O. AND P.S. DHEMAJI

DISTRICT DHEMAJI

ASSAM.

PIN CODE 787057

ASSISTANT TEACHER OF DHEMAJI GIRLS HIGHER SECONDARY SCHOOL
(AMALGAMATED)

25: SMTI. PRANAMI DUTTA

AGE 51 YEARS

W/O. MINTU SAIKIA

R/O. VILLAGE MACHKHOWA CHARALI

P.O. MACHKHOWA

P.S. DHEMAJI

DISTRICT DHEMAJI

ASSAM.

ASSISTANT TEACHER OF JORKATA HIGHER SECONDARY SCHOOL
(AMALGAMATED)

26: SRI NARAYAN BORAH
AGE 58 YEARS
C/O. LATE HEMKANTA BORAH
R/O. VILLAGE GOGAMUKH PUB BALI GAON
P.O. AND P.S. GOGUMUKH
DISTRICT DHEMAJI
ASSAM.
PIN CODE 787034
ASSISTANT TEACHER OF CHAULDHUA HIGH SCHOOL (AMALGAMATED)

27: SMT. SANTA DEVI
AGE 54 YEARS
C/O. PADMALAL UPADHYAY
R/O. VILLAGE PANCHMILE
P.O. UKHOMATI
P.S. GOGAMUKH
DISTRICT DHEMAJI
ASSAM.
PIN CODE 787056
ASSISTANT TEACHER OF CHELAJAN L.P. SCHOOL.

28: SRI. MOHENDRA SONOWAL
AGE 58 YEARS
C/O. KAMALSON SONOWAL
R/O. VILLAGE HALAKHBARI
P.O. AND P.S. GERUKAMUKH
DISTRICT DHEMAJI
ASSAM.
PIN CODE 787035
ASSISTANT TEACHER OF CHAUIDHUA HIGH SCHOOL (AMALGAMATED)

29: SMT. ANIMA DIHINGIA
AGE 55 YEARS
W/O. PURNANANDA SAIKIA
R/O. VILLAGE BANGALMARI
P.O. MATIKHULA
P.S. DHEMAJI
DISTRICT DHEMAJI
ASSAM.
HEADMASTER
OF GARPARA RUPAHI L.P. SCHOOL.

30: SMT. BABITA CHUTIA
AGE 57 YEARS
W/O. JAYANTA GOGOI

R/O. WARD NO. 1
BORPATARIA
P.O. AND P.S. DHEMAJI
DISTRICT DHEMAJI
ASSAM.
PIN CODE 787057
ASSISTANT TEACHER OF MORIDHAL M.V.

31: SMTI. AJANTA DOLEY
AGE 56 YEARS
W/O. BALURAM PEGU
R/O. VILLAGE MOHARI CAMP
P.O. UKHOMATI
P.S. GOGAMUKH
DISTRICT DHEMAJI
ASSAM.
PIN CODE 787056
ASSISTANT TEACHER OF MOHARI CAMP
L.P. SCHOOL

VERSUS

THE STATE OF ASSAM AND 7 ORS
THROUGH THE SECRETARY, TO THE GOVERNMENT OF ASSAM,
DEPARTMENT OF SCHOOL EDUCATION, DISPUR,
GUWAHATI -781006

2:THE COMMISSIONER AND SECRETARY
TO THE GOVERNMENT OF ASSAM
FINANCE DEPARTMENT
DISPUR
GUWAHATI - 781006

3:THE ADDITIONAL CHIEF SECRETARY
TO THE GOVERNMENT OF ASSAM
FINANCE DEPARTMENT
DISPUR
GUWAHATI 781006

4:THE DIRECTOR OF ELEMENTARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI - 781019

5:THE INSPECTOR OF SCHOOLS
DHEMAJI DISTRICT CIRCLE

ASSAM
P.O. AND DISTRICT DHEMAJI
ASSAM.
PIN CODE 787057

6:THE DISTRICT ELEMENTARY EDUCATION OFFICER
DHEMAJI
P.O. AND DISTRICT DHEMAJI
ASSAM.
PIN CODE 787057

7:THE DEPUTY INSPECTOR OF SCHOOLS
DHEMAJI
P.O. DHEMAJI
DISTRICT DHEMAJI
ASSAM.
PIN CODE 78705

Advocate for the Petitioner : MR B D DAS, MR. H R DAS,MR. S. SUR,MR D BANIA,MRS R DEKA

Advocate for the Respondent : SC, SEC. EDU., SC, FINANCE,SC, ELEM. EDU

BEFORE
HONOURABLE MR. JUSTICE LANUSUNGKUM JAMIR

ORDER

Date : 02.12.2024

Heard Mr. B. D. Das, learned Senior Counsel assisted by Mr. D. Bania, learned counsel for the petitioners.

2. Ms. S. Chutia, learned Standing Counsel, appears for the Elementary Education Department; Mr. U. Sharma, learned Standing Counsel, appears for the Secondary Education Department and Mr. R. Borpujari, learned Standing Counsel, appears on behalf of the Finance Department.

3. Similarly situated persons like the present petitioners had earlier approached this Court by filling WP(C) No. 4892/2021 and other connected writ

petitions seeking for a declaration that they are entitled to the Old Pension Scheme and not the New Pension Scheme. The said writ petitions were dismissed by Judgment & Order dated 31.03.2023, holding that the petitioners therein were not entitled to get pensions under the Old Pension Scheme.

4. Being aggrieved, those petitioners filed Writ Appeal before the Hon'ble Division Bench and the lead case was registered as WA No. 188/2023. The Writ Appeals were accordingly, disposed of on 26.07.2024 with the following observations and directions:-

“It is informed that in a meeting took place between the Hon'ble Chief Minister of Assam with Assam Karmachari Parisahd, held on 15/03/2024, it is decided that the Government of Assam will consider extending the benefit of old pension scheme to those employees who joined the Government services after January, 2005 but the recruitment process of the concerned post was started prior to January, 2005 in line with the Office Memorandum issued by the Central Government.

Learned counsel for the appellants has submitted that all the appellants were appointed in the year 2001 and, therefore, their case comes within the ambit of aforesaid decision of the meeting. It is further submitted that the issue regarding extending the benefit of old pension scheme to those employees, who joined the Government services after 2005 wherein, the recruitment process was started prior to 2005, is pending with the Administrative Department.

In view of the above development, we are of the view that

once the State Government has decided to consider the demand of the employees, who were though appointed after 2005 wherein, the recruitment process of the concerned posts were started prior to January, 2005, despite the order passed by the learned Single Judge, it would be appropriate to dispose of these appeals, awaiting the decision of the State Government on this issue.

It is made clear that if the appellants failed to get any favourable decision from the State Government, they are free to approach this Court again by filing fresh writ appeals.

We hope that the Government shall take a decision expeditiously, preferably within a period of 6 (six) months from the date of receipt of a certified copy of this order.”

5. The present petitioners before this Court also claim that they are equally situated and circumstanced with the appellants in Writ Appeal No. 188/2023 and other analogous Writ Appeals.

6. This Court, after considering the above facts, is also of the considered opinion that the case of the present petitioners are equally situated and circumstanced with the appellants in Writ Appeal No. 188/2023 and analogous Writ Appeals.

7. Accordingly, this writ petition is also disposed of in terms of the observations and directions made by the Hon'ble Division Bench in Writ Appeal No. 188/2023 by the Order dated 26.07.2024.

8. However, it is made clear that the time period of 6 (six) months granted by the Hon'ble Division Bench by Order dated 26.07.2024 passed in WA No.

188/2023 and other analogous Writ Appeals, shall start in case of the present petitioners from the date of production of a certified copy of the Order of this Court.

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

JUDGE

Comparing Assistant