

GAHC010177782024



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

Linked Case : **WP(C)/6166/2023**

AJANTA GUPTA
WORKING AS SUPERINTENDENT IN THE O/O THE DISTRICT
COMMISSIONER
CACHAR
SILCHAR

DAUGHTER OF LATE AMARENDRA KISHORE DUTTA

RESIDENT OF 1ST FLOOR
PRERONA APARTMENT

UKIL PATTY
SILCHAR
PIN- 788001
ASSAM.

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT OF
ASSAM

DISPUR
GUWAHATI-6
DISTRICT- KAMRUP(M)
ASSAM.

2:THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF ASSAM
GENERAL ADMINISTRATION DEPARTMENT
GUWAHATI-6
DISTRICT- KAMRUP(M)

ASSAM.

3:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
ASSAM
GENERAL ADMINISTRATION DEPARTMENT
JANATA BHAWAN
DISPUR
GUWAHATI-6

DISTRICT- KAMRUP(M)
ASSAM.

4:THE DISTRICT COMMISSIONER
CACHAR
SILCHAR
PIN- 781006
ASSAM.

5:THE CIRCLE OFFICER
KATIGORAH REVENUE CIRCLE
KATIGORAH
CACHAR
PIN- 788805.

Advocate for : MR. JYOTIRMOY ROY
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND 4 ORS

B E F O R E

HON'BLE MR. JUSTICE NELSON SAILO

11.09.2024

Heard Mr. H Rahman, learned Senior Counsel assisted by Mr. B J Das for the petitioner, who submits that the petitioner by filing this writ petition, has challenged the Order dated 18.07.2023 passed by the District Commissioner, Cachar, Silchar whereby, the petitioner has been posted at Circle Office,

Katigorah Revenue Circle, Cachar. The petitioner is also prayed for a direction to the authority concerned to consider the voluntary retirement application submitted by her and also to release a pending salary since July 2023 onwards, and also grant her Earned Leave applied by her.

[2.] The learned Senior Counsel submits that during the pendency of the writ petition, the petitioner has retired from service on 30.01.2024 and therefore, the prayer made in the writ petition has become more or less redundant. He, however, submits that since the petitioner has retired from service, a direction may be given to the respondent authorities to release the retirement benefits to the petitioner or in the alternative, Court may direct the respondents to grant the petitioner provisional pension w.e.f. 01.02.2024.

[4.] Mr. P Nayak, learned counsel appearing for the General Administration Department and Deputy Commissioner, Cachar respondents submit that the petitioner abstained from work without her Earned Leave being sanctioned by the competent authority and for which, a show-cause notice was issued to her by the Deputy Commissioner, Cachar on 18.12.2023, wherein two charges were framed namely; unauthorized absence from Government duties and insubordination. However, the said show-cause notice was stayed by this Court vide Order dated 22.12.2023 with a direction that the respondent authority may

consider the application of the petitioner for VRS, without treating the show-cause notice as a departmental proceeding. He submits that since the petitioner has now attained the age of superannuation and has retired, the question of considering the petitioner's application for VRS will not arise. He submits that since show-cause notice was issued to the petitioner and charges were framed as well, the respondent authorities may be allowed to complete the said process.

[5.] To this submission, Mr. H Rahman, learned Senior Counsel for the petitioner submits that since the petitioner has now retired on superannuation without any pensionary benefits, the respondent authorities may be directed to complete the proceeding within the time frame.

[6.] Upon considering the submissions made by the learned counsels for the rival parties, the writ petition is disposed of with a direction to the respondent authorities to complete the proceedings drawn against the petitioner in accordance with law and as expeditiously as possible, having regard to the fact that the petitioner has now retired on superannuation. The respondents shall do the needful as directed herein above, within a period of 3 (three) months from the date of receipt of a certified copy of this order.

[7.] The interim order passed earlier stands merged with this order. It is also provided herein that if the respondent authorities, for any reason, are unable to complete the process as directed herein above within a period of 3 (three) months from the date of receipt of a certified copy of this order, the respondents shall grant the petitioner a provisional pension. In order to enable the respondents to do the needful, the petitioner shall extend cooperation in the matter by providing all the relevant materials under her power and possession.

JUDGE

Comparing Assistant