

GAHC010261172024



2024:GAU-AS:12983

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

Case No. : WP(C)/6877/2024

DR. SARANGADHAR BARAL
SON OF SUDARSAN BARAL, PRESENT RESIDENT OF T.-33, BLOCK IV,
QUARTER, MIZORAM UNIVERSITY, AIZAWL, MIZORAM- 796004

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY ITS SECRETARY TO THE GOVT. OF ASSAM, HIGHER
EDUCATION DEPARTMENT, DISPUR, GUWAHATI- 781006

2:THE DIRECTOR OF HIGHER EDUCATION
ASSAM
KAHILIPARA
GUWAHATI- 781006

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

4:THE REGISTRAR (ADMINISTRATION)
MIZORAM UNIVERSITY
TANHRIL AIZAWL- 796004
MIZORAM

5:THE PRINCIPAL ACCOUNTANT GENERAL (A AND E)
ASSAM
BELTOLA
MAIDAMGAON
GUWAHATI- 781029

6:THE PRINCIPAL

TIHU COLLEGE
TIHU
PIN- 781371
DISTRICT- NALBARI
ASSA

Advocate for the Petitioner : MR D K ROY, MS. J BATHARISA,MR. M DEKA

Advocate for the Respondent : SC, HIGHER EDU, SC, FINANCE,SC, AG (A AND E)

BEFORE

HON'BLE MR. JUSTICE LANUSUNGKUM JAMIR

O R D E R

19.12.2024

Heard Mr. D.K. Roy, learned counsel for the petitioner. Also heard Mr. S. Das, learned Standing Counsel, Higher Education Department, Assam for the respondent Nos. 1 & 2, Ms. R.M. Barua, learned Standing Counsel, Finance Department, Assam for the respondent No. 3 and Mr. R.K. Talukdar, learned Standing Counsel, Principal Accountant General (A&E), Assam for the respondent No.5.

2. The petitioner was initially appointed as a Lecturer in the Department of English at Tihu College, Tihu by an order dated 25.08.1984 and the service of the petitioner was regularized w.e.f. 01.01.1986. While the petitioner was working as a Lecturer at Tihu College, pursuant to an advertisement dated 08.09.2004, the petitioner applied for the post of Reader in English in the Mizoram University through proper channel. The petitioner was successful in the recruitment process and accordingly, the Deputy Registrar (Admin-1), Mizoram University by letter dated 06.12.2005, offered the letter of appointment to the petitioner for the post of Reader in the Department of English, Mizoram University. The petitioner accordingly joined to the said post on 12.12.2005. On

03.03.2010, the Deputy Registrar (Admin-1), Mizoram University by a communication dated 03.03.2010, requested the Director of Higher Education, Assam and the Principal, Tihu College to expedite the conversion of CPF account into GPF account so that the benefits of Gratuity, Pension, Leave Encashment etc due to the petitioner could be processed and finalized. However, as the CPF was not converted into GPF, the petitioner approached this Court by filing WP(C) No.2786/2021, which was disposed of by an order dated 25.04.2024 by recording the submission of the learned Standing Counsel, Accountant General, Assam that the GPF Account of the petitioner was already opened bearing No.CED-7491. Thereafter, the petitioner submitted his GPF account before the concerned respondents.

3. On 05.06.2024, the Joint Registrar (Establishment) of the Mizoram University by a communication dated 05.06.2024 wrote to the Director of Higher Education, Assam on the subject of permanent absorption of the petitioner in the Department of English and Cultural Studies, Mizoram University and stated that as the petitioner is due to retire on 30.04.2025, the settlement of the benefits of Gratuity, Pension, Leave Encashment along with GPF in respect of the petitioner may be processed and finalized.

4. The grievance of the petitioner is that despite the letter dated 05.06.2024 written by the Joint Registrar (Establishment) of the Mizoram University, the Director of Higher Education, Assam is yet to take a call on the said letter. Hence, the present writ petition.

5. Considering the short issue involved, this writ petition is disposed of directing the Director of Higher Education, Assam to consider and take a call on the letter dated 05.06.2024 written by the Joint Registrar (Establishment) of the Mizoram University within a period of one month from the date of receipt of a

certified copy of the order of this Court.

6. With the above observations and direction, this writ petition stands disposed of.

JUDGE

Comparing Assistant