

GAHC010290712023



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

Case No. : WP(C)/154/2024

MITALI BAYAN
W/O- LATE SANJAY BAYAN,
VILL- BHABANIPUR, NAHATI,
P.O AND P.S- BHABANIPUR, DIST- BARPETA, ASSAM

VERSUS

THE STATE OF ASSAM AND 5 ORS
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,
STATE TRANSPORT DEPARTMENT
DISPUR, GUWAHATI-06

2:THE COMMISSIONER AND SECRETARY
TO THE GOVERNMENT OF ASSAM
FINANCE DEPARTMENT
DISPUR
GUWAHATI-06

3:THE DIRECTOR OF ASTC

ASSAM STATE TRANSPORT CORPORATION
ASSAM

4:ACCOUNTS OFFICER (E)
ASTC CORPORATION
KAMRUP (M) AT GUWAHATI

5:THE DEPUTY CAO (CASH)
H/O- GUWAHATI-07

6:STATION SUPERINTENDENT
ASTC

BARPETA
PIN-78130

Advocate for the Petitioner : MR MINTU SAIKIA

Advocate for the Respondent : SC, FINANCE

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

12.01.2024

Heard Mr. M Saikia, learned counsel for the petitioner. Also heard Ms. R. Deka, learned Standing Counsel, ASTC.

This writ petition has been filed by the petitioner who claims to be the daughter-in-law of one Harendra Ch. Bayan who was an employee, who superannuated from his services under the ASTC. The father in law of the petitioner was working as a Grade-IV employee after rendering his service, he superannuated on 31.01.2017. Subsequently, he expired on 05.08.2018.

It is submitted that after his superannuation, the father-in-law of the petitioner has received his pension. It is submitted that son of the father-in-law late Sanjay Bayan also expired in an accident giving only the petitioner as the sole surviving member of the family. The petitioner is unemployed and is facing extreme difficulties in carrying on her day to day activities in life. She had filed a representation dated 01.12.2023 before the Managing Director, ASTC which has not been disposed of as per the instructions received from the petitioner as submitted by the learned counsel.

Ms. R. Deka, learned Standing Counsel, ASTC submits that services under ASTC is not pensionable. However, there are some retiral benefits like leave

encashment, gratuity etc which may be payable to an employee who superannuated or his legal heirs.

Under such circumstances, this Court is of the considered view that ends of justice will suffice, if the writ petition is disposed of with a direction to the Managing Director, ASTC expeditiously dispose of the representation dated 01.12.2023 stated to have been filed by the petitioner for redressed of her grievances. The Managing Director, ASTC will look into the grievances and pass a speaking order.

If the petitioner is found to be entitled to the retirement benefits payable under the Rules and Procedures of the ASTC, then the same should be released without further delay.

The entire exercise be completed within a period of sixty days from the date of receipt of certified copy of this order. Along with the certified copy of the order, the petitioner will furnish copy of the writ petition before the authority concerned for compliance of the directions.

A copy of this order be marked to the learned Standing Counsel, ASTC for onward communication.

In view of the above, the writ petition stands disposed of.

JUDGE

Comparing Assistant