GAHC010175582020

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

Case No. : WP(C)/5306/2020

RANJAN PRASAD BORTHAKUR
S/O LATE SURENDRA NATH BORTHAKUR,
RESIDENT OF WARD NO, 3, PO AND PS DERGAON, DIST GOLAGHAT,
ASSAM 785614

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, TRANSPORT DEPARTMENT, DISPUR GUWAHATI 6

2:THE DIRECTOR OF INLAND WATER TRANSPORT
ULUBARI
GUWAHATI 7

3:THE EXECUTIVE ENGINEER

INLAND WATER TRANSPORT
GUWAHATI DIVISION
ULUBARI
GUWAHATI 7

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

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

6:THE PRINCIPAL ACCOUNTANT GENERAL (A AND E)
ASSAM
MAIDAMGAON
BELTOLA
GUWAHAT

Advocate for the Petitioner : MR. D BARUAH

Advocate for the Respondent : GA, ASSAM

:: BEFORE ::

HON'BLE MR. JUSTICE MANOJIT BHUYAN

O R D E R

16.12.2020

Heard Mr. D. Baruah, learned counsel for the petitioner as well as Ms. M.D. Borah, learned counsel representing respondent nos.1, 2 and 3. Mr. N. Goswami, learned counsel appears on behalf of respondent no.4; Mr. P. Nayak, learned counsel for respondent no.5 and Mr. R.K. Talukdar, learned counsel for respondent no.6.

Having regard to the subject-matter of the case and as agreed to by the counsel or the parties, this writ petition is taken up for final disposal at the Motion stage.

At the outset, Mr. Baruah submits that the issue raised in the present writ petition is squarely covered by a judgment of this Court dated 04.12.2018, passed in WP(C)/1089/2015, whereby at paragraph 31 thereof it has been held that continuous rendering of service as a Muster Roll Worker is to be taken into consideration while determining the qualifying period of service of 20 years for the purpose of pension, without making any deduction. In the instant case, it is seen that the petitioner has completed 25 years 10 months and 26 days from the date of initial appointment on contractual basis until the date of his superannuation i.e. 28.02.2018 as a regular Muster Roll Worker. Retirement benefits having been denied by deducting the initial 6(six) years of his service as a Muster Roll Worker, the petitioner is

before this Court.

Without further ado, and having regard to the judgment of this Court passed in WP(C)/1089/2015, followed by a series of decisions where the said judgment has been relied upon, particularly in WP(C)/3466/2020, this writ petition is not detained for adjudication any longer and stands disposed of by directing the respondent authorities in the Inland Water Transport Department; the Pension and Public Grievances Department; the Finance Department and the Principal Accountant General (A&E), Assam to process the pensionary claim of the petitioner and finalize the same as expeditiously as possible, preferably within a period of 4(four) months from today.

Petitioner is permitted to furnish a certified copy of this order to the authority/Department mentioned above, for their doing the needful in terms of the directions above. Needless to say that whatever amount has been paid to the petitioner by way of terminal gratuity, the same shall be appropriately adjusted from his retirement dues.

JUDGE

Comparing Assistant