GAHC010018522026

2026:GAU-AS:16574

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

Case No. : WP(C)/579/2026

MD. ABDUL MATIN
S/O- LATE HATEM ALI.
R/O- VILL.- KATHALGURI , PO.- TUKTUKI, P.S.- DHING, DIST.- NAGAON, ASSAM.

VERSUS

THE STATE OF ASSAM AND ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF ASSAM,REVENUE AND DISASTER MANAGEMENT DEPAFTMENT, ASSAM, DISPUR, GUWAHATI-06.

2:THE COMMISSIONER AND SECRETARY
GOVT. OF ASSAM
FINANCE DEPARTMENT
DISPUR
GUWAHATI-06.

3:THE ACCOUNTANT GENERAL
MAIDAM GAON
BELTOLA
GUWAHATI-781029.

4:THE DIRECTOR
LAND RECORDS AND SURVEYS ETC.
RUPNAGAR
GUWAHATI-32.

5:THE DISTRICT COMMISSIONER
HOJAI
SANKARDEV NAGAR
DIST.- HOJAI

ASSAM- 782442.

6:THE ADDITIONAL DISTRICT COMMISSIOINER
MAGISTRATE BRANCH
SANKARDEV NAGAR
DIST.- HOJAI
ASSAM- 782442.

7:THE ADDITIONAL DISTRICT COMMISSIONER
HOJAI - CUM- INQUIRY OFFICER
SANKARDEV NAGAR
DIST.- HOJAI
ASSAM - 782442.

8:THE SUB - DIVISIONAL OFFICER -
IN - CHARGE
SANKARDEV NAGAR
DIST.- HOJAI
ASSAM- 782442.

9:THE ASSISTANT COMMISSIONER
HOJAI - CUM- PRESENTING OFFICER
SANKARDEV NAGAR
DIST.- HOJAI
ASSAM - 782442.

10:THE CIRCLE OFFICER
DABOKA REVENUE CIRCLE
DIST.- HOJAI
ASSAM

Advocate for the Petitioner : MR. A K HANNAN, MR S S ISLAM,MS S AHMED,B H TAPADER,A.ISLAM,MR M J QUADIR

Advocate for the Respondent : SC, REVENUE, GA, ASSAM,SC, AG,SC, FINANCE

BEFORE
HONOURABLE MR. JUSTICE NCHUMBEMO MOZHUI

ORDER

11/11/2026

Heard Mr. M.J. Quadir, learned counsel for the petitioner. Also heard Mr. J. Handique, learned counsel for the Revenue Department, respondent Nos. 1 & 4.

Mr. T.C. Chutia, learned Senior Advocate, assisted by Mr. B. Bishaya, learned counsel for respondent Nos. 5 to 10 as well as Mr. C. Boruah, learned counsel for respondent No. 3.

2. The learned counsel for the petitioner submits that the petitioner's pension has not yet been finalized. In that regard, the learned counsel appearing on behalf of the petitioner had submitted that though a Doboka Police Station Case No.43/2022 has been registered against the petitioner, but it is not known till date as to whether any charge-sheet has been submitted and the matter is pending before the Court to come within the ambit of judicial proceedings.

3. The learned counsel appearing on behalf of the petitioner further submitted that though on 03.06.2022, an Office Order bearing Memo No. HJPE 25/2020-21/62 (A) was issued by the District Commissioner, Hojai Sankardev Nagar that a departmental proceedings has been initiated against him by appointment of an Enquiry Officer as well as the Presenting Officer, but taking into account the provisions of Rule 9 of the Assam Services (Discipline and Appeal) Rules, 1964, (hereinafter referred to as the Rules of 1964), the learned counsel appearing on behalf of the petitioner submitted that sans a Memorandum of Charge having been issued in terms with Rule 9 (2) of the Rules of 1964, the same under no circumstances can be said to be initiation of a departmental proceedings.

4. The learned counsel appearing on behalf of the petitioner further referring to the communication issued by the District Commissioner, Hojai, Sankardev Nagar dated 06.04.2024 further submitted that from a perusal of the very document, it is apparent that the investigation in respect to Doboka Police Station 43/2022 is yet to be over.

5. It is further submitted by the learned counsel that the District Commissioner, Hojai, who has sought to initiate a departmental proceedings on the basis of the communication dated 03.06.2022 had himself doubted as to whether there was any initiation and it is under such circumstances mentioned in the said communication that the departmental proceedings may be initiated by the Revenue and Disaster Management Department, Govt. of Assam, taking into account that the Land Revenue Staff belongs to the said cadres.

6. The learned counsel, therefore, submitted that in view of the fact that there is no judicial proceeding or any departmental proceedings initiated against the petitioner, the petitioner is entitled to the finalization of his pension forthwith.

7. On perusal of the records and more particularly the order dated 03.06.2026, passed by this Court, the relevant paragraphs whereof read as follows:

> *"2. Mr. J Handique, learned Standing Counsel, Revenue Department submits before the Court that on the basis of the instructions received by communication dated 25.05.2026 from the Additional Director of Land Records & Surveys to the Deputy Secretary to the Government of Assam, Revenue and Disaster Management Department, it is clearly mentioned in the said communication that:*
>
> *(i) No Departmental proceeding is legally pending or subsisting against Sri Abdul Matin, as memorandum was issued during his service; no charge*
>
> *(ii) Fresh initiation of a departmental proceeding is barred by the four-year limitation under Rule 21(b)(ii) of the Assam services (Pension) Rules, 1969;*
>
> *(iii) The pending police case (Doboka P.s. Case NO.43/2022) does not constitute an instituted 'judicial proceeding' under the rules as no Magistrate has taken cognizance; and*

Under the circumstances mentioned above and in view of the pending Writ Petition WP(C) No.579/2026 before the Gauhati High Court and to avoid any adverse directions, Government may be please to accord necessary instructions for finalization and releasing of regular pensionary benefits to Sri Abdul Matin, Land Records Assistant (Retired) since there is no statutory bar.

3. It is submitted that therefore, the Government has been requested to accord necessary instructions for finalization and release of the regular pension of the writ petitioner since there was no statutory bar.

4. In that view of the matter, this Court permits further 3 (three) weeks time to the learned Standing Counsel, Revenue Department to place before the Court any consequential or follow up orders as may have been issued by the Department."

8. During the proceeding of the case, the learned standing counsel for the Revenue Department had produced a documents i.e., letter bearing No. DLR-11013(21)/14/2024/84 dated 25.05.2026, wherein the Additional Director, Land Records and Survey, Government of Assam had written to the Deputy Secretary to the Govt. of Assam, Revenue & D.M (LA&A) Department with regard to the status of the departmental proceedings against the petitioner who has retired from service in connection with Doboka Police Station Case No.43/2022 and released of pensionary benefits thereof. A perusal of the letter would also indicate that the letter has been returned requesting/proposal to the Government to accord necessary instruction of finalization and releasing of regular pensionary benefits to the petitioner, since there is no statutory bar and to avoid adverse direction in view of the pendency of the court case.

9. Further it is submitted by the counsel for the Revenue Department that the Deputy Secretary to the Government of Assam, Revenue a & D.M (LA&A)

Department by Letter No. LA&A/423165/400 dated 31.10.2026 had also written to the standing counsel that the matter was processed in the Department and submitted to the higher authority for necessary direction to take necessary action for release of pensionary benefits of the petitioner, in accordance with legal principle and statutory rules, in consultation with the standing counsel.

10. This being the settled position as of date, the counsel for the parties more particularly the Standing Counsel for the Revenue Department submits that the present writ petition can be disposed of, directing the respondent Nos. 1 & 4 to finalized the legitimate due of the petitioner by releasing the pensionary benefits within the time frame period.

11. In view of the above facts and circumstances, the instant writ petition is disposed with a direction to the respondent Nos. 1 & 4 to release the pensionary benefits of the petitioner in accordance with legal principles and statutory rules within a period of 1 (one) month from the date of the receipt of this order. Further, it is directed that on finalization of the pensionary of the petitioner by the respondent Nos. 1 & 4, the respondent No. 3 i.e., Accountant General Office shall take appropriate steps as regard to issuing of authorization for release of the pensionary benefits to the petitioner within a period of 1 (one) month.

12. Accordingly the instant petition stands disposed of.

13. No order as to cost.

JUDGE

Comparing Assistant