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

Case No. : WP(C)/2888/2026

SRI HARI PRASAD DAS
SON OF LATE SONABAR DAS, RESIDENT OF GOHAIN GAON, WARD NO. 5, P.O.- JAPISAJIA, P.S.- NORTH LAKHIMPUR, DISTRICT- LAKHIMPUR, ASSAM, PIN-787001.

VERSUS

THE STATE OF ASSAM AND OTHRS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM, DEPARTMENT OF SCHOOL EDUCATION, DISPUR, GUWAHATI-6

2:THE DIRECTOR OF ELEMENTARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI-19
KAMRUPM
ASSAM.

3:THE DIRECTOR OF PENSION
ASSAM
HOUSEFED COMPLEX
CENTRAL BLOCK
6TH FLOOR
BELTOLA ROAD
GUWAHATI
ASSAM. PIN-781006

Advocate for the Petitioner : MR. N BORAH, MR. R SAIKIA,S K LAHAN

Advocate for the Respondent : GA, ASSAM, SC, ELEM. EDU

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

06.10.2026

Heard Mr. N. Borah, learned counsel for the petitioner. Also heard Mr. P.K. Borah, learned counsel for the Elementary Education; Ms. K. Phukan, learned counsel for the respondent No.3.

2] The petitioner was serving as Block Elementary Education Officer and pursuant to his superannuation he was not given pension. He filed this writ petition seeking a direction to release of provisional pension which is due to him.

3] Pursuant to issuance of notice, liberty was granted to the counsel for the respondent to file their response.

4] Today when the matter is called up, Mr. P.K. Bora, learned Standing Counsel, Elementary Education has placed before the Court an order dated 05.10.2026 issued by the Commissioner & Secretary to the Government of Assam, Department of School Education by which the Governor of Assam after consideration of the records passed an order imposing a penalty of "withholding pension including gratuity, in full permanently" under Rule 21 of the Assam Services (Pension) Rules, 1969 in respect of the writ petitioner.

5] Considering that the only prayer in the writ petition is for a mandamus for release of provisional pension therefore, this writ petition need not be

proceeded with, as the final order has been passed by the Governor of the State, vide order dated 05.10.2026 withholding the pension and gratuity in full permanently. No further cause survives in this writ petition in the present form. As there being no further cause survives in the writ petition, this writ petition stands dismissed as not pressed.

6] The petitioner is given liberty to take necessary steps for approaching the appropriate forum in respect of the order, if so advised.

7] Interim order, if any stands vacated.

8] Pending Interlocutory Application, if any is also dismissed.

JUDGE

Comparing Assistant