

GAHC010130002021



2026:GAU-AS:2339

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

Case No. : WP(C)/4481/2021

DEBOBRATA CHOUDHURY
RETIRED HEAD ASSISTANT
OFFICE OF THE DEPUTY INSPECTOR OF SCHOOLS, HAILAKANDIM
C/O SRI NILANJAN BHOWMIK
PELLEY SREE LANE, PO C.R AVENUE, SILCHAR, CACHAR, ASSAM, 788005

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY ITS COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, EDUCATION DEPARTMENT (ELE) ASSAM, SACHIVALAYA,
DISPUR, GUWAHATI 06

2:THE DIRECTOR OF ELEMENTARY EDUCATION ASSAM

KAHILIPARA GUWAHATI 781019

3:DISTRICT ELEMENTARY EDUCATION OFFICER

HAILAKANDI
ASSAM
788151

4:DEPUTY INSPECTOR OF SCHOOLS

HAILAKANDI
ASSAM
788151

5:THE SECRETARY TO THE GOVT. OF ASSAM
PENSION AND PUBLIC GRIEVANCES DEPARTMENT
ASSAM SACHIBALAYA

DISPUR
GHY- 6.

6:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
FINANCE DEPARTMENT
DISPUR
GHY- 6
ASSAM

Advocate for the Petitioner : MR S NATH, MR G J SHARMA

Advocate for the Respondent : SC, ELEM. EDU, MR B GOGOI,MR G PEGU

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

Date : 17.02.2026

Heard Mr. S. Nath, learned counsel appearing for the petitioner. Also heard Mr. P. N. Sarma, learned Standing Counsel appearing for the Elementary Education Department, Assam.

2. The instant writ petition under Article 226 of the Constitution of India has been filed seeking release of the petitioner's retiral benefits, namely provident fund, gratuity, Group Insurance Scheme (GIS), leave encashment and regular monthly pension with effect from his date of retirement on 31.10.2009.

3. The petitioner retired on superannuation from the post of Head Assistant in the office of the Deputy Inspector of Schools, Hailakandi on 31.10.2009. His grievance pertains to non-release of his retiral dues despite submission of pension papers on 25.06.2010.

4. The record reveals that the petitioner was issued a show cause notice dated 16.11.2011, under Rule 9 of the Assam Services

(Discipline and Appeal) Rules, 1964, and was placed under suspension on 21.10.2009. However, he retired from service shortly thereafter. Though provisional pension was sanctioned, the remaining retiral benefits were withheld.

5. The respondents justified such withholding on the ground of pendency of GR Case No. 976/2009.

6. It is not in dispute that the petitioner has been acquitted in the said criminal case by the Court of Civil Judge (Junior Division) No. 1 Cum Judicial Magistrate, 1st Class, Hailakandi by Judgment & order dated 31.07.2025, which has been placed on record.

7. The instructions dated 04.11.2023 furnished by the respondents disclose that provisional pension has been regularly disbursed pursuant to interim orders of this Court, and that the only reason for non release of other retiral benefits was the pendency of the criminal case.

8. In view of the acquittal of the petitioner, no legal impediment survives for withholding his retiral benefits. The learned Standing Counsel for the respondents has fairly conceded that the retiral dues may now be released in accordance with law.

9. This Court is therefore, of the considered view that the continuation of withholding of the petitioner's retiral benefits is wholly unjustified.

10. Accordingly, the writ petition is disposed of with a direction to the respondent authorities to release all retiral benefits of the petitioner, including provident fund, gratuity, GIS, leave encashment

and regular monthly pension in accordance with law within a period of 1 (one) month from the date of receipt of the certified copy of this order.

11. Accordingly, the writ petition stands disposed of.

JUDGE

Comparing Assistant