
(2021) 01 GAU CK 0004
In the Gauhati High Court
Case No : Writ Petition (C) No. 1588 Of 2018

Giridhar Goswami

APPELLANT

Vs

State Of Assam And Ors

RESPONDENT

Date of Decision : 06-01-2021

Acts Referred:

Citation : (2021) 01 GAU CK 0004

Hon'ble Judges : Rumi Kumari Phukan, J

Bench : Single Bench

Advocate : Y S Mannan

Final Decision : Disposed Off

Judgement

Heard Mr. Y.S. Mannan, learned counsel appearing for the petitioner. Also heard Ms. M.D. Borah along with Mr. I.K. Buragohain, learned counsel

appearing for the respondent Nos.1&"3 and Mr. G. Baishya, learned counsel appearing for the respondent No.4, the Accountant General (A & E).

Also perused the record and the documents annexed.

The petitioner joined as a Muster Roll worker in the Inland Water Transport (IWT) Department w.e.f. 01.04.1991 and his service was regularized

w.e.f. 22.07.2005. The petitioner superannuated from the service on 30.06.2015 and his pension papers were submitted to the Accountant General (A

& E). However vide letter dated 28.09.2016, the office of the Accountant General (A & E) informed that the pension and gratuity is not payable to

the petitioner as the eligibility for the pension is 20 years&?? confirmed service. It was also informed that the petitioner has 18 years 3 months net

service, after deduction of 6 years of Muster Roll service, as per the office memorandum dated 20.05.2009.

The respondent No.3 i.e. the Executive Engineer, IWT Division, Ulubari, vide letter dated 22.02.2017, had requested for confirmation of the service of the petitioner for getting the pensionary benefits and accordingly the respondent No.2, the Director of the ITW Department vide letter dated 06.03.2017, had requested the Government for doing the needful but nothing had been done.

Hence the petitioner approached this Court for a proper direction to the respondent authorities for payment of pension gratuity, etc., considering his continuous length of service.

Although the respondents herein has not filed any affidavit in this regard but both sides are agreeable to the decision rendered in the WP(C)

No.1089/2015, dated 04.12.2018 and the subsequent order in WP(C) No.4027/2019, dated 21.06.2019, whereby this High Court has directed the respondents to grant the pensionary benefit to the petitioners, who have completed the continuous service of more than 20 years, without deducting 6 years, service.

The case in hand is squarely covered by the decisions so rendered.

In view of the above, the present writ petition stands disposed of by directing the respondent authorities in the IWT Department, the Pension and

Public Grievances Department, the Finance Department as well as the Principal Accountant General (A & E) to process the pensionary claim of the

petitioner in terms of order in the WP(C) No.1089/2015, dated 04.12.2018 and finalize the same at the earliest, preferably within a period of three

months from the date of receipt of certified copy of this order, by adjusting the terminal gratuity, if any already paid.

The petitioner shall provide the certified copy of the present order to the appropriate authorities, as indicated above.

The writ petition stands disposed of.