
(2003) 05 GAU CK 0005
In the Gauhati High Court
Case No : WP (C) No. 3493 of 2003

Jirila Marak

APPELLANT

Vs

State of Assam and Others

RESPONDENT

Date of Decision : 16-05-2003

Acts Referred:

Assam Services (Pension) Rules, 1969 — Rule 31

Citation : (2004) 3 GLR 209

Hon'ble Judges : Amitava Roy, J

Bench : Single Bench

Advocate : N.S. Thakuria, for the Appellant; G.A., for the Respondent

Judgement

Amitava Roy, J.—Heard Mr. N. S. Thakuria, learned counsel for the petitioner as well as learned State counsel for the respondents.

2. As agreed upon by the learned counsel for the parties, I propose to dispose of this writ petition at the motion stage itself.

3. The grievance of the petitioner is that her husband Late Simson Sangma was appointed as Muster Roll worker on 10.1.1956. His services were eventually regularised on 1.3.1984. He thereafter retired from service on 10.1.1985. His services was regularised while he was serving under N. H. Division of P.W.D., Goalpara. The state respondents denied pension to him on the ground that he had not completed 10 years of pensionable service in the regular capacity. The petitioner submitted representations before the state authorities, but to no avail. It is under these circumstances that the petitioner is before this court praying for an appropriate writ directing the State respondents to count the services rendered by the husband of the petitioner before regularisation for the purpose of granting pensionary benefits to her.

4. The learned counsel for the petitioner while reiterating the statements made in the application has inter alia drawn the attention of this court to two decisions of this court reported in 1997 (1) GLT 589 and Kalicharan Rabidas Vs. State of

Assam and Others, on the same issue. Two other orders of this court rendered in WP(C) No. 2078/2002 and WP(C) No. 1651/2002, have also been referred to above.

5. Upon hearing the counsels for the parties and on perusal of the materials on record, I am of the opinion that the instant application be disposed of in terms of the directions and observations recorded in the above mentioned judgments and orders of this court.

6. In that view of the matter, the present application is disposed of with a direction to the state respondents to treat the period of service of the husband of the petitioner before regularisation also to be qualifying service for the purpose of computation of pensionary benefits to him and after making a necessary declaration under proviso to Rule 31 of the Assam Services (Pension) Rules, 1969 release the same in accordance with the relevant provisions of law in that regard. As the petitioner's husband died on 3.10.2000, the State respondents would take necessary steps as expeditiously as possible, preferably within a period of 2 months from the date of receipt of the certified copy of this order. No costs.