
(2021) 01 GAU CK 0017
In the Gauhati High Court
Case No : Writ Petition (C) No. 5035 Of 2020

Nirul Das Barman

APPELLANT

Vs

State Of Assam And Ors

RESPONDENT

Date of Decision : 22-01-2021

Acts Referred:

Citation : (2021) 01 GAU CK 0017

Hon'ble Judges : Hitesh Kumar Sarma, J

Bench : Single Bench

Advocate : K Bhuyan

Final Decision : Disposed Off

Judgement

1. Heard Mr. K. Bhuyan, learned counsel for the petitioner. Also heard Mr. Mr. C. Baruah, learned Standing Counsel, Accountant General for the

respondent No.4.

2. The grievance of the petitioner is that the petitioner has not been paid pensionary benefits as the authorities had deducted 6 (six) years of initial service while calculating the qualifying period of service for grant of pensionary benefit.

4. It has been submitted by the learned counsel for the petitioner that the petitioner was earlier serving as a Muster Roll Worker in the office of the

District Agriculture Office, Nalbari who was initially appointed on 25.08.1992 and his service was regularized subsequently w.e.f. 25.8.1992.

Thereafter, the petitioner retired from service on attaining the age of superannuation on 30.11.2017 and as such the petitioner had rendered service for

25 years 3 months and 5 days. However, the authorities by deducting 6(six)

years of initial service has denied grant of pension on the ground that he has not completed 20 years of qualifying service.

5. However, the said deduction of 6(six) years of service has been held impermissible by this Court in WP(C) No.1089/2015, decided on 04.12.2018.

This legal position is not controverted by the learned counsel for the respondent authorities. That being so, learned counsel for the petitioner has

submitted that the instant case is covered by the decision in W.P.(C) No.1089/2015, decided on 04.12.2018. In view of the above, this Court is of the

opinion that he would be entitled to the pensionary benefit as the petitioner has more than 25 years of service in his credit from the date of

appointment.

6. Accordingly, this petition is disposed of with the direction to the respondent authorities to work out the pensionary benefits in favour of the petitioner

and release the same, within a period of 3(three) months from the date of receipt of a certified copy of this order.

7. It is also made clear that since the said order was passed by this Court on 04.12.2018 in WP(C) No.1089/2015, the pensionary benefit will be

granted from 04.12.2018 as has been done in the case, referred to at para-5 above. The terminal gratuity, if any, already received by the petitioner, be

adjusted at the time of finalization of the pension.