
(2022) 03 GAU CK 0006

In the Gauhati High Court

Case No : Writ Petition (Civil) No. 1503 Of 2022

Radha Ranjan Bowri

APPELLANT

Vs

State Of Assam And 5 Ors

RESPONDENT

Date of Decision : 04-03-2022

Acts Referred:

Citation : (2022) 03 GAU CK 0006

Hon'ble Judges : Michael Zothankhuma, J

Bench : Single Bench

Advocate : A K Dutta

Final Decision : Disposed Of

Judgement

1. Heard Mr. B. Purkayastha, learned counsel for the petitioner, who submits that the petitioner was engaged as a Muster Roll worker in the office of the respondent no.5 w.e.f. 01.03.1993. The petitioner's service was regularized vide order dated 31.10.2005. The petitioner retired from service on 31.12.2014. The petitioner's prayer for grant of pension was however rejected by the respondent no.6 on the ground that the petitioner had not completed 20 years of service after deducting the initial 6 years of service as a Muster Roll worker.

2. The petitioner's counsel submits that the present case is a covered case and in terms of judgment passed in the case of Sanjita Roy and ors. Vs. State of Assam and ors., 2019 (2) GLT 805, the entire service period of the petitioner as a Muster Roll worker has to be verified/ counted, to see whether the Muster Roll worker had completed 20 years of service. He accordingly submits that if there is no deduction of 6 years of service from the petitioner's entire service period as a Muster Roll worker, the petitioner would have completed more than 21 years of service. He accordingly submits that a direction should be issued upon the respondent authorities to count the petitioner's service without making any reduction of his initial years of service as a Muster Roll worker and if the petitioner crosses the benchmark of 20 years, the petitioner should be granted

the benefit of pension.

3. Mr. R.R. Gogoi, learned counsel for the respondent nos. 1 to 5 and Mr. A. Hassan, learned counsel for the respondent no.6 submit that they have got no objection with the prayer of the counsel for the petitioner as the present case appears to be a covered matter.

4. In view of the submission made by the counsel for the parties and keeping in view the judgment of this Court in Sanjita Roy (supra), the respondent authorities are directed to determine the continuous length of service of the petitioner as a Muster Roll worker, without deducting any period of his service as a Muster Roll worker. If such service period meets the benchmark of 20 years, the benefit of pension should be made available to the petitioner. The exercise should be completed within a period of 3(three) months from the date of receipt of a certified copy of this order.

5. The terminal gratuity already paid to the petitioner shall be adjusted from the pension payable to the petitioner.

6. The writ petition accordingly stands disposed of.