

(2003) 05 GAU CK 0003
In the Gauhati High Court
Case No : WP (C) No. 3541 of 2003

Ram Prasad Goala and Others		APPELLANT
	Vs	
State of Assam and Others		RESPONDENT

Date of Decision : 16-05-2003

Acts Referred:

Assam Services (Pension) Rules, 1969 — Rule 31

Citation : (2005) 1 GLR 277

Hon'ble Judges : Amitava Roy, J

Bench : Single Bench

Advocate : A. Roshid, for the Appellant; G.A., for the Respondent

Judgement

Amitava Roy, J.—Heard Mr. A. Roshid, learned counsel for the petitioners 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 case of the petitioners in short is that, they were appointed as Muster Roll Workers on the various dated between 1957 to 1968. Their services were eventually regularised as Muster Roll Workers by an order passed on 7.7.2000. They thereafter retired from service between 1987 and 1993. For a ready reference, the particulars of their dates of appointment, regularisation, retirement, length of service etc. are furnished herein below:

4. In the meantime the petitioner Nos. 3,4,5 and 6 have expired. The son of the petitioner No. 3 and the wives of the petitioner Nos. 4,5 and 6 are before this Court. The petitioner Nos. 1 and 2 are however, surviving. The petitioners, however, have been denied the benefit of pension to which they are entitled for the services rendered by the petitioner Nos. 1 and 2 and the predecessors in interest of the petitioner Nos. 3, 4, 5 and 6.

5. The learned counsel for the petitioners 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 of 2002 and WP(C) No. 1651 of 2002, have also been referred to.

6. 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 judgment and orders of this court.

7. 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 above named incumbents before their regularisation also to be qualifying services for the purpose of computation of pensionary benefits to them 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. The State respondents would take necessary steps as ordered above as expeditiously as possible and in no case later than two months from the date of receipt of the certified copy of this order. No costs.