

GAHC010281302025



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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case : WP(C)/643/2026

MOSTAFA ALI
S/O LATE MOSLEM UDDIN
R/O VILL KHARUBHAJ
P.O. RAJMITA
P.S. LAKHIPUR
DISTRICT- GOALPARA
ASSAM
PIN- 783129

VERSUS

THE STATE OF ASSAM AND 7 ORS
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF ASSAM
DEPARTMENT OF SCHOOL EDUCATION
DISPUR
GUWAHATI- 781006

2:THE DIRECTOR OF ELEMENTARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI 781019

3:THE DISTRICT ELEMENTARY EDUCATION OFFICER
GOALPARA
ASSAM
PIN-783101

4:THE DIRECTOR OF PENSION
ASSAM
HOUSEFED COMPLEX
BELTOLA ROAD

GUWAHATI 781006

5:THE ACCOUNTANT GENERAL
ASSAM
MAIDAMGAON
BELTOLA
GUWAHATI -781028

6:THE FINANCE AND ACCOUNTS OFFICER
DIRECTORATE OF PENSION
ASSAM
HOUSEFED COMPLEX
BELTOLA ROAD
GUWAHATI 781006

7:THE PRINCIPAL SECRETARY
TO THE GOVERNMENT OF ASSAM
FINANCE DEPARTMENT
DISPUR
GUWAHATI
PIN 781006

8:THE TREASURY OFFICER
GOALPARA TREASURY
GOALPARA
ASSAM
PIN 783101

Advocate for : MR. A F N U MOLLAH
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND 7 ORS

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

07.09.2026

Heard Mr. A. F. N. U. Mollah learned counsel for the petitioner. Also heard Mr. A. Chaliha, learned Standing Counsel for the Finance, Ms. M. Das, learned counsel for the Respondent No. 5, Ms. S. Chutia, learned Standing Counsel,

Elementary Education, Mr. R. Doley, learned counsel appears on behalf of Ms. S. Konwar, learned Government Advocate for Respondent.

The initial claim of the writ petitioner before this Court was for a direction to the respondents to setting aside the order dated 10.10.2025, to the extent that the excess drawal amount of Rs. 5,815/- (Rupees Five Thousand Eight Hundred Fifteen) was arrived at by the concerned Department as the amount required to be recovered from the petitioner. The further direction sought for from this Court was to the Respondents to count the past services of the petitioner from 19.11.1991 till the date of his retirement, i.e. 31.05.2019.

The further prayer of the writ petitioner is that the final Pension PPO issued dated 10.10.2025, reflecting an amount of Rs. 13,940/- as the monthly pension to be released to the petitioner, is required to be rectified by interfering with the amount shown to be deducted towards excess drawal. The petitioner was initially drawing provisional pension, however with effect from the date of issuance of PPO i.e. 10.10.2025, upon the final pension having being worked out, the provisional pension has been stopped.

Pleadings have been exchanged in the matter. Presently the writ petitioner seeks liberty of this Court to accept the pension as reflected in the PPO dated 10.10.2025, while keeping his challenge open with regard to the deduction towards the excess drawal amount of Rs. 5,815/- per month.

The prayer made is not objected to by the learned counsel for the Respondents.

Issue Rule.

Call for the Records.

Accordingly, let this matter be listed for hearing in the next hearing list, 2026.

Meanwhile, the respondents shall forthwith takes steps for release of the final pension as per PPO dated 10.10.2025.

In the event, the writ petition is allowed, any further amount required to be released to the petitioner will be released accordingly.

JUDGE

Comparing Assistant