

GAHC010008262026



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

Case No. : WP(C)/580/2026

HAYET ALI
S/O- LT.. ABDUL JALIL, R/O- HOUSE NO. 15, SUNDARBON NAGAR,
DAKSINGAON, KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM AND 5 ORS
THROUGH THE SECRETARY TO THE GOVT. OF ASSAM, REVENUE AND
DISASTER MANAGEMENT DEPARTMENT, DISPUR, GUWAHATI - 06.

2:THE COMMISSIONER OF FINANCE
ASSAM
DISPUR
GUWAHATI-06

3:THE ACCOUNTANT GENERAL
ASSAM
BELTOLA
GUWAHATI-28

4:THE DIRECTOR OF LAND RECORDS
ASSAM
RUPNAGAR
GHY-

5:THE DIRECTOR OF PENSIONS
ASSAM
DISPUR
GUWAHATI-06

6:THE DISTRICT COMMISSIONER
KAMRUP (M)
HENGARABARI

GHY-2

Advocate for the petitioner(s): Mr. MH Ahmed

Advocate for the respondent(s): Mr. J Handique

Standing Counsel, Revenue Deptt.

Mr. P Nayak, Addl. AG, Assam

Mr. B Sarma, for respondent No.3

Ms. S Baruah, Govt. Advocate, Assam

B E F O R E

HON'BLE MR. JUSTICE DEVASHIS BARUAH

ORDER

06.02.2026

Heard Mr. MH Ahmed, the learned counsel appearing on behalf of the petitioner.

2. Issue notice making it returnable on 02.03.2026.
3. Mr. J Handique, the learned counsel accepts notice on behalf of respondent Nos.1 and 4; Mr. P Nayak, the learned Addl.AG, Assam who accepts notice on behalf of the respondent No.2; Mr. B Sarma, the learned counsel who accepts notice on behalf of the respondent No.3 and Ms. S Baruah, the learned Govt. Advocate, Assam accepts notice on behalf of respondent Nos.5 & 6. Extra copies of the writ petition be served upon them during the course of the day.
4. The grievance of the petitioner herein is that the petitioner who had retired on 31.12.2020, though have been provided with the provisional pension, but the petitioner's final pension has not yet been finalized, though there is no departmental proceedings or any judicial proceedings pending against the

petitioner.

5. It is the case of the petitioner that though a criminal case was registered against the petitioner being Crime Branch P.S. Case No.08/2023, the said investigation is presently on going and, therefore, it is submitted that as there is no judicial proceedings pending, the question of non-finalization of the pension of the petitioner does not arise, in view of Rule 22 of the *Assam Services (Pension) Rules 1969*. The learned counsel further submits that there is no departmental proceedings also against the petitioner.

6. Ms. S Baruah, the learned counsel who had accepted notice on behalf of the respondent Nos.5 and 6 shall obtain instructions as to whether any departmental proceedings is pending against the petitioner as well as also whether there is any judicial proceedings pending in connection with Crime Branch P.S. Case No.08/2023 against the petitioner registered under Sections 120B/420/468/471/409/447 of the IPC.

7. The said instruction be brought on record by way of an affidavit on or before 27.02.2026.

JUDGE

Comparing Assistant