

GAHC010008262026



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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)

HENGERABARI
GHY-2

Advocate for the Petitioner : MR M H AHMED, I AMIN

Advocate for the Respondent : GA, ASSAM, SC, REVENUE AND DISASTER MANAGEMENT
DEPT,SC, AG (A AND E),SC, FINANCE

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 02-03-2026

The learned counsel for the petitioner submits that without there being a Departmental Proceeding instituted and pending on the date of his superannuation and/ or any charge-sheet, in the criminal case pending against him being filed, the petitioner's pension and pensionary benefits could not have been withheld in terms of the provisions of Rule 21 of the Assam Services (Pension) Rules, 1969. He further submits that in absence of any Departmental and/ or Judicial Proceeding pending, it was not open to the respondent authorities not to process the pension proposal of the petitioner and only pay to him a provisional pension.

Ms. U. Sarma, learned Govt. Advocate, Assam submits that the preliminary instruction received by her reveals that no Departmental Proceeding against the petitioner was instituted, however, a criminal case is found to be pending against him. The only thing the respondents, are to place before this Court is as to whether a charge-sheet was already filed in the matter before the superannuation of the petitioner from his service.

Registry to list this matter again on 10-03-2026, on which date the said information shall be received by Ms. Sarma and place before this Court without fail.

JUDGE

Comparing Assistant