

GAHC010018522026



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

Case No. : WP(C)/579/2026

MD. ABDUL MATIN
S/O- LATE HATEM ALI.
R/O- VILL.- KATHALGURI , PO.- TUKTUKI, P.S.- DHING, DIST.- NAGAON,
ASSAM.

VERSUS

THE STATE OF ASSAM AND ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM,REVENUE AND DISASTER MANAGEMENT
DEPAFTMENT, ASSAM, DISPUR, GUWAHATI-06.

2:THE COMMISSIONER AND SECRETARY
GOVT. OF ASSAM
FINANCE DEPARTMENT
DISPUR
GUWAHATI-06.

3:THE ACCOUNTANT GENERAL
MAIDAM GAON
BELTOLA
GUWAHATI-781029.

4:THE DIRECTOR
LAND RECORDS AND SURVEYS ETC.
RUPNAGAR
GUWAHATI-32.

5:THE DISTRICT COMMISSIONER
HOJAI
SANKARDEV NAGAR
DIST.- HOJAI

ASSAM- 782442.

6:THE ADDITIONAL DISTRICT COMMISSIOINER
MAGISTRATE BRANCH
SANKARDEV NAGAR
DIST.- HOJAI
ASSAM- 782442.

7:THE ADDITIONAL DISTRICT COMMISSIONER
HOJAI - CUM- INQUIRY OFFICER
SANKARDEV NAGAR
DIST.- HOJAI
ASSAM - 782442.

8:THE SUB - DIVISIONAL OFFICER -
IN - CHARGE
SANKARDEV NAGAR
DIST.- HOJAI
ASSAM- 782442.

9:THE ASSISTANT COMMISSIONER
HOJAI - CUM- PRESENTING OFFICER
SANKARDEV NAGAR
DIST.- HOJAI
ASSAM - 782442.

10:THE CIRCLE OFFICER
DABOKA REVENUE CIRCLE
DIST.- HOJAI
ASSAM

Advocate for the petitioner(s): Mr. MJ Quadir

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

Standing Counsel, Revenue Deptt.

Mr. P Nayak, Addl. AG, Assam

Mr. C Baruah, for respondent No.3

Mr. JK Goswami, Govt. Advocate, Assam

BEFORE

HON'BLE MR. JUSTICE DEVASHIS BARUAH
ORDER

06.02.2026

Heard Mr. MJ Quadir, the learned counsel appearing on behalf of the petitioner.

2. Issue notice making it returnable on 23.02.2026.
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. C Baruah, the learned counsel who accepts notice on behalf of the respondent No.3 and Mr. JK Goswami, the learned Addl. Senior Govt. Advocate, Assam accepts notice on behalf of respondent Nos.5 to 10. 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's pension has not yet been finalized. In that regard, the learned counsel appearing on behalf of the petitioner had submitted that though a Doboka Police Station Case No.43/2022 has been registered against the petitioner, but it is not known till date as to whether any charge-sheet has been submitted and the matter is pending before the Court to come within the ambit of judicial proceedings.
5. The learned counsel appearing on behalf of the petitioner further submitted that though on 03.06.2022, an Office Order was issued by the District Commissioner, Hojai Sankardev Nagar that a departmental proceedings has been initiated against him by appointment of an Enquiry Officer as well as the Presenting Officer, but taking into account the provisions of Rule 9 of the *Assam Services (Discipline and Appeal) Rules, 1964*, (for short, the Rules of 1964), the

learned counsel appearing on behalf of the petitioner submitted that sans a Memorandum of Charge having been issued in terms with Rule 9(2) of the Rules of 1964, the same under no circumstances can be said to be initiation of a departmental proceedings.

6. The learned counsel appearing on behalf of the petitioner further referring to the communication issued by the District Commissioner, Hojai, Sankardev Nagar dated 06.04.2024 further submitted that from a perusal of the very document, it is apparent that the investigation in respect to Doboka Police Station 43/2022 is yet to be over.

7. It is further submitted that the District Commissioner, Hojai, who has sought to initiate a departmental proceedings on the basis of the communication dated 03.06.2022 had himself doubted as to whether there was any initiation and it is under such circumstances mentioned in the said communication that the departmental proceedings may be initiated by the Revenue and Disaster Management Department, Govt. of Assam taking into account that the Land Revenue Staff belongs to the said cadres.

8. The learned counsel, therefore, submitted that in view of the fact that there is no judicial proceedings or any departmental proceedings initiated against the petitioner, the petitioner is entitled to the finalization of his pension forthwith.

9. Mr. JK Goswami, the learned Government Advocate appearing on behalf of the respondent Nos.5 to 10 submits that he would obtain instructions as to whether any judicial proceedings is presently pending pursuant to the Doboka Police Station Case No.43/2022 and further as to whether any departmental proceedings have been initiated pursuant to the communication dated 06.04.2024 or as to whether the departmental proceedings which was initiated

on the basis of the order dated 03.06.2022 has been continued. The said instructions be brought on record by way of an affidavit to be filed before this Court on or before 20.02.2026.

10. Mr. J Handique, the learned Standing Counsel appearing on behalf of the Revenue Department shall also obtain instruction as to whether any departmental proceedings has been initiated by the Revenue Department against the petitioner on the basis of the communication dated 06.04.2024.

11. List accordingly.

JUDGE

Comparing Assistant