

GAHC010198762025



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

Case No. : WP(C)/5198/2025

ON THE DEATH OF SAYED MONOWAR HUSSAIN HIS LEGAL HEIRS SYEDA JABIN HUSSAIN

W/O LATE SYED MONOWAR HUSSAIN, R.O. HOUSE NO.38, BY LANE 2,
MOTHER TERRESA PATH, HATIGAON, P.S. AND P.O. HATIGAON, DIST.
KAMRUP METRO, GUWAHATI, PIN 781038

2: SYED MEHDI JAHAN

S/O LT. SYED MONOWAR HUSSAIN

R.O. HOUSE NO.38

BY LANE 2

MOTHER TERRESA PATH

HATIGAON

P.S. AND P.O. HATIGAON

DIST. KAMRUP METRO

GUWAHATI

PIN 781038

3: SYEDA MEHNAZ JAHAN

D/O LT. SYED MONOWAR HUSSAIN

R.O. HOUSE NO.38

BY LANE 2

MOTHER TERRESA PATH

HATIGAON

P.S. AND P.O. HATIGAON

DIST. KAMRUP METRO

GUWAHATI

PIN 78103

VERSUS

THE STATE OF ASSAM AND 7 ORS

REPRESENTED BY THE PRINCIPAL SECRETARY, GOVT. OF ASSAM,
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT, DISPUR,
GUWAHATI-06

2:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
FINANCE DEPARTMENT

DISPUR

GUWAHATI-06

3:THE SECRETARY TO THE GOVT. OF ASSAM
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT
DISPUR
GUWAHATI-6

4:THE COMMISSIONER
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT
GOVT. OF ASSAM
PANJABARI
JURIPAR
GUWAHATI
ASSAM

5:THE ACCOUNTANT GENERAL (A AND E)
ASSAM
MAIDAMGAON
BELTOLA
GUWAHATI-29

6:THE DIRECTOR
PENSION AND PUBLIC GRIEVANCE DEPARTMENT
DISPUR
GUWAHATI
ASSAM-06

7:THE CHIEF EXECUTIVE OFFICER
NALBARI ZILLA PARISHAD
NALBARI
PIN-781335

8:THE BLOCK DEVELOPMENT OFFICER
SARUKHETRI DEVELOPMENT BLOCK
LACHIMA
DIST- BARPETA
ASSA

Advocate for the Petitioner : MR. I ALAM, MR. T SK

Advocate for the Respondent : SC, P AND R.D., MR. R.K. TALUKDAR, SC, AG (A AND E), (R-5),SC, FINANCE,GA, ASSAM

Linked Case : I.A.(Civil)/295/2026
ON THE DEATH OF SYED MONOWAR HUSSAIN HIS LEGAL HEIR SYEDA
JABIN HUSSAIN
WO LATE SYED MONOWAR HUSSAIN
RO HOUSE NO 38
BYE LANE 2
MOTHER TERESA PATH
HATIGAON
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VERSUS
THE STATE OF ASSAM
REPRESENTED BY THE PRINCIPAL SECRETARY
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PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT
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PANJABARI
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5:THE ACCOUNTANT GENERAL (A AND E)
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SARUKHETRI DEVELOPMENT BLOCK
LACHIMA
DIST BARPETA
ASSAM

Advocate for : MR. T SK
Advocate for : SC
P AND R.D. appearing for THE STATE OF ASSAM

**BEFORE
HONOURABLE MR. JUSTICE RAJESH MAZUMDAR**

ORDER

Date : 25.05.2026

Heard Mr. T.Sk, learned counsel for the petitioner, and Mr. R.K. Talukdar, learned counsel for the respondent No. 5.

2. The prayer of the writ petitioner in the writ petition is for re-fixation of his pension by allowing him to cross the efficiency bar in the year 1994. It is the case of the petitioner that if the petitioner had been allowed to cross the efficiency bar in the year 1994, his pension would now have to be revised and he would be entitled to be higher pension.

- 3.** The Panchayat and Rural Development Department by Annexure-21 i.e. the order dated 28.07.2025 had taken a stand that the petitioner did not apply in time for being allowed the cross of efficiency bar and therefore, after this long passage of time, it would not be possible to deem that the petitioner had crossed the efficiency bar in the year 1994. Therefore, the prayer of the writ petitioner cannot be granted.
- 4.** The learned counsel for the respondent sought for an accommodation to file the affidavit in opposition on the basis of the para-wise comments.
- 5.** The affidavit-in-opposition, if filed shall also clarify as to why the petitioner had not been allowed to cross the efficiency bar at the relevant point of time and also clarify, if the Department have any records available which may have been sufficient to have denied the petitioner the opportunity to cross the efficiency bar in the year 1994.
- 5.** List the matter again on **26.06.2026**.

JUDGE

Comparing Assistant