

GAHC010022482026



2026:GAU-AS:11799

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

Case No. : WP(C)/1039/2026

SMTI JAMILA KHATUN
W/O LATE MD. NOOR HUSSAIN, R/O VILLAGE KUMALIA, P.O.
PANIBHARAL, DISTRICT SONITPUR, ASSAM, PIN 784176

VERSUS

THE STATE OF ASSAM AND 6 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF
ASSAM PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT DISPUR,
GUWAHATI 781006

2:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
ASSAM
PENSION AND PPUBLIC GRIEVANCE DEPARTMENT
ASSAM
DISPUR
GUWAHATI-6

3:THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF ASSAM
FINANCE DEPARTMENT
DISPUR
GUWAHATI-6

4:THE COMMISSIONER
PANCHAYAT AND RURAL DEVELOPMENT ASSAM
JURIPAR
SIX MILE
GUWAHATI- 37

5:THE DIRECTOR OF PENSION
ASSAM
HOUSEFED COMPLEX

DISPUR
GUWAHATI-6

6:THE CHIEF EXECUTIVE OFFICER
SONITPUR ZILLA PARISHAD
P.O.- TEZPUR
DISTRICT- ASSAM
PIN- 784001

7:TREASURY OFFICER
SONITPUR TREASURY
TEZPUR
PO TEZPUR
DISTRICT- SONITPUR
ASSAM
PIN- 78400

Advocate for the Petitioner : MR. M ISLAM, MS A KHATUN

Advocate for the Respondent : GA, ASSAM, SC, FINANCE,SC, P AND R.D.

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

19.08.2026

Heard Mr. M. Islam, learned counsel for the petitioner. Also heard Mr. D. Borah, learned Govt. Advocate, Mr. A. K. Ghosh, learned Standing Counsel, P.&R.D. Department and Mr. A. Chaliha, learned Standing Counsel, Finance Department.

2. By way of this writ petition, the petitioner is seeking grant of full pension and other retiral benefits by considering the total length of service reckoned from the date of initial appointment of the petitioner's husband in the service of the Panchayat.

3. It is submitted at the bar that the issue involved in this writ petition is

covered by the Judgment of the Division Bench of this Court rendered in the case of ***State of Assam and Another vs. Syed Md. Fazlay Rabbi*** in Writ Appeal no. 145/2009, wherein the Division Bench of this Court held that the benefit of the provisions of the Assam Panchayat Employees (Provincialisation) Act, 1999 including those for pension and other retirement dues would be available to the provincialized employees in service on or after 01.10.1991, on the basis of the length of their services reckoned from the dates of their initial appointments.

4. In view of the aforesaid endorsement made by the learned counsel for the parties, this Court is of the considered view that this Writ Petition can be disposed of in the line of the aforesaid decision of this Court. It is accordingly ordered. Needless to be said that, the total length of service of the petitioner's husband Md. Noor Hussain shall be reckoned from the date of his initial appointment i.e. 23.06.1964 in the service of the Gaon Panchayat Secretary for grant of family pension and other retiral benefits.

5. It is further clarified that the entire exercise shall be completed within a period of two months from the date of submission of a certified copy of this order by the petitioner in the office of the respondent nos. 4 & 5 and failing to complete such exercise within the stipulated period, the same shall carry an interest of 6% per annum.

6. The writ petition stands allowed in the extent indicated above.

JUDGE

Comparing Assistant