

GAHC010023962025



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

Case No. : WP(C)/646/2025

TARANI SEN SAIKIA
S/O. LT. UTSHAB CHANDRA SAIKIA, RETD. SENIOR ASSISTANT (GRADE-III) INDUSTRIAL TRAINING INSTITUTE (I.T.I), BONGAIGAON, GOVT. OF ASSAM, P/O. BONGAIGAON, DIST. BONGAIGAON, ASSAM, PIN-783380.

VERSUS

THE STATE OF ASSAM AND ORS
REP. BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM, SKILL EMPLOYMENT AND ENTREPRENEURSHIP DEPT., ASSAM SECRETARIAT, P/O. ASSAM SACHIVALAYA, PIN-781006, ASSAM.

2:THE DIRECTOR
EMPLOYMENT AND CRAFTSMEN TRAINING
ASSAM
GOVT. OF ASSAM
REHABARI
GUWAHATI-781008.

3:THE ACCOUNTANT GENERAL (A AND E)
ASSAM
MAIDAMGAON
BELTOLA
GUWAHATI-781029.

4:THE SUPERINTENDENT
INDUSTRIAL TRAINING INSTITUTE (I.T.I)
NALBARI
P/O. SARIHATALI
DIST. NALBARI
ASSAM
PIN-781337.

5:THE PRINCIPAL
INDUSTRIAL TRAINING INSTITUTE
(I.T.I. IN SHORT)
BONGAIGAON
POST OFFICE- BONGAIGAON
DISTRICT- BONGAIGAON (ASSAM)
PIN-783380

Advocate for the Petitioner : ROSELIN LAKRA, MR. A AHMED,MS. D GOSWAMI,MS. S DAS

Advocate for the Respondent : SC, AG, GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE NELSON SAILO

ORDER

Date : 10-02-2025

Heard Mr. A Ahmed, learned counsel for the petitioner, who submits that the petitioner superannuated as Senior Assistant under Industrial Training Institute (ITI), Bongaigaon on 30.06.2021 but till date he has not been given the pension due to him. The learned counsel submits that on account of unauthorized absence, a show-cause notice was given to the petitioner on 30.05.2013 and which was replied to by him on 13.06.2013. Despite the same, the respondent authorities have not passed any further order in the matter and it was only on 21.09.2023 that the respondent No. 2 passed an order treating the unauthorized absence of the petitioner w.e.f. 02.07.2012 to 28.02.2014 as dies-non for all purposes. The learned counsel submits that the respondents have slept over the matter for a long time without taking any decision while the petitioner was in service. The impugned order is also not preceded by any opportunity to the petitioner with a show-cause notice to enable him to submit a representation in the matter before being imposed with the penalty. He therefore, submits that

the impugned order should be set aside and pending disposal of the writ petition, provisional pension should be given to him.

In view of the above, issue notice of motion, returnable by 4 (four) weeks.

Ms. A Talukdar, learned Government Advocate accepts notice on behalf of respondent Nos. 1 & 2, while Mr. SK Medhi, learned Standing Counsel, Accountant General, Assam accepts notice on behalf of respondent No. 3.

Petitioner to serve requisite extra copies of the writ petition to Ms. A Talukdar, learned Government Advocate and Mr. SK Medhi, learned Standing Counsel, Accountant General within 3 (two) days.

Petitioner to take steps for service of notice upon respondent Nos. 4 & 5 by registered post with A/D within 3 (three) days from today.

Also issue notice upon the interim prayer making returnable by 4 (four) weeks.

List the matter again on **12.03.2025**.

JUDGE

Comparing Assistant