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

Case No. : WP(C)/918/2026

SHRI SHIBEN GHOSE
S/O LATE DEBENDRA GHOSH, RESIDENT OF NORTH BONGAIGAON, PO-
BONGAIGAON, DIST- BONGAIGAON, ASSAM 783380.

VERSUS

THE STATE OF ASSAM AND 6 ORS
REPRESENTED BY ITS COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, DEPARTMENT OF EDUCATION,
DISPUR, GUWAHATI-781006

2:THE SECRETARY
GOVERNMENT OF ASSAM
FINANCE (PRU) DEPARTMENT
DISPUR GUWHATI-6

3:DIRECTOR OF EDUCATION
BODO TERRITORIAL COUNCIL
KOKRAJHAR
STATION ROAD BTC
ASSAM PIN-783370.

4:DIRECTOR OF PENSION
ASSAM HOUSEFED COMPLEX
LAST GATE
DISPUR
GUWAHATI-781006

5:INSPECTOR OF SCHOOLS
CHIRANG DISTRICT CIRCLE
CHIRANG
KAJALGAON

ASSAM.

6:THE PRINCIPAL
BENGTOLE HS SCHOOL BENGTOLE
CHIRANG
KAJALGAON
ASSAM PIN- 783380

7:TREASURY OFFICER
KAJALGAON
DIST-CHIRANG

Advocate for the Petitioner : MR. S K GHOSH, MS F AHMED

Advocate for the Respondent : GA, ASSAM, SC, PENSION,SC, BTC,SC, FINANCE,SC, EDU

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 20-02-2026

Heard Mr. S.K. Ghosh, learned counsel for the petitioner. Also heard Mr. U. Sarma, learned standing counsel, Secondary Education, Assam appearing for the respondent No. 1, Ms. N. Choudhury, learned standing counsel, BTC appearing for the respondent Nos. 2, 3 & 5 Ms. K. Phukan, learned Govt. Advocate, Assam representing respondent No. 4 and Ms. R.M. Bora, learned standing counsel, Finance representing respondent No. 7.

Issue notice of motion returnable in 04 weeks.

Since Mr. Sarma has accepted notice on behalf of respondent No. 1, Ms. N. Choudhury has accepted notice on behalf of respondent Nos. 2, 3, & 5, Ms. K. Phukan has accepted notice on behalf of respondent Nos. 4 and Ms. R.M. Bora has accepted notice on behalf of respondent No. 7, no formal notice is required to be sent to the said respondents.

However, extra copies of the writ petition, requisite in numbers, be furnished to the learned Govt. counsel.

Petitioner to take steps for service of notice upon respondent No. 6 by speed post.

Steps within 03 (three) working days.

Heard on the prayer of interim relief.

The petitioner in the present proceeding has raised a grievance with regard to the recovery sought to be made from his pension and pensionary benefits on account of a wrong date of effect given to his ACPS benefit. The respondents have projected that the benefit under the ACPS as granted to the petitioner w.e.f. 01-01-2016 was actually required to be authorized to the petitioner w.e.f. 01-07-2016. Accordingly, an amount of Rs. 1,55,801.50/- is sought to be recovered from the pension and pensionary benefits of the petitioner, herein.

While the respondents may proceed to finalise the pension and pensionary benefits basing on the pay band last drawn by the petitioner, after the rectification exercise with regard to the grant of ACPS, till the next returnable date, the recovery of Rs. 1,55,801.50/- be not made from his pension and pensionary benefits.

Registry to list this matter again after 04 weeks.

JUDGE

Comparing Assistant