

GAHC010035062022



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

**Case No. : WP(C)/1383/2022**

MD. FARIZ UDDIN LASKAR AND ANR  
S/O. LT. MOUR UDDIN LASKAR, VILL. AND P.O. KAZIDAHAR PT.I, DIST.  
CACHAR, ASSAM.

2: SIRAJUL HOQUE

S/O. LT. NUR HUSSAIN  
VILL. AND P.O. DHUNIAVETI  
DIST. NAGAON  
ASSAM

VERSUS

THE STATE OF ASSAM AND 4 ORS  
REP. BY THE COMMISSIONER AND SECY. TO THE GOVT. OF SSAM,  
SECONDARY EDUCATION DEPTT., DISPUR, GUWAHATI-781006.

2:THE SECRETARY  
TO THE GOVT. OF ASSAM  
FINANCE (BUDGET) DEPTT.  
DISPUR  
GUWAHATI-781006.

3:THE DIRECTOR

SECONDARY EDUCATION  
ASSAM  
KAHILIPARA  
GUWAHATI-781019.

4:THE INSPECTOR OF SCHOOLS

CDC  
CACHAR

SILCHAR  
PIN-788001.

5:THE INSPECTOR OF SCHOOLS

NAGAON  
ASSAM  
PIN-782001

**Advocate for the Petitioner** : MR. N H BARBHUIYA

**Advocate for the Respondent** : SC, EDU

**BEFORE**  
**HONOURABLE MR. JUSTICE ACHINTYA MALLA BUJOR BARUA**

**ORDER**

**Date : 28.02.2022**

Heard Mr. N H Barbhuiya, learned counsel for the petitioner. Also heard Mr. R Mazumdar, learned counsel for the respondents no. 1, 3, 4 and 5 being the authorities under the Secondary Education Department, Government of Assam and Mr. A Chaliha, learned counsel for the respondent no. 2 being the authorities under the Finance Department.

Issue notice, returnable by six weeks.

Extra copies of the writ petition be furnished to the learned counsel for the respondents within three days.

If the claim of the petitioner in this petition is allowed, the petitioner may be entitled to the pensionary benefits under the Assam Services (Pension) Rules, 1969 and on the other hand it is an admitted position of the respondents that even otherwise the petitioner would be entitled to the benefits under the New Defined Pension Scheme.

It is also stated that the petitioner would retire in the month of May, 2022.

In the interim it is provided that till the question on the eligibility of the petitioner for pension under the Assam Service (Pension) Rules, 1969 is decided, upon the retirement of the petitioner no. 1, whatever admissible amount of pensionary benefits is to be given be

provided by the respondents immediately on retirement of the petitioner.

But however, the payment of any other pensionary benefits would be subject to the outcome of the writ petition.

List after six weeks.

**JUDGE**

**Comparing Assistant**