

GAHC010045552026



undefined

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

Case No. : WP(C)/1318/2026

JATINDRA MEDHI
S/O LATE RAMAKANTA MEDHI, VILLAGE-MIRZA, P.O.-MIRZA, P.S.-
PALASBARI, DIST- KAMRUP, ASSAM, PINCODE-781125.

VERSUS

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

2:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
ASSAM
EDUCATION HIGHER DEPARTMENT
DISPUR
GUWAHATI-781006
ASSAM

3:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
ASSAM

FINANCE DEPARTMENT
DISPUR
GUWAHATI781006
ASSAM

4:DIRECTOR OF HIGHER EDUCATION
ASSAM
KAHILIPARA
GUWAHATI781019
ASSAM.

5:THE ACCOUNTANT GENERAL (A AND E)

ASSAM
MAIDAMGAON
BELTOLA
GUWAHATI-781029.

6:TREASURY OFFICER

OFFICE OF THE TREASURY OFFICER
KAMRUP METRO DISTRICT TREASURY
HENGRABARI
GUWAHATI. 781036.

7:DAKSHIN KAMRUP COLLEGE

REPRESENTED BY THE PRINCIPAL SECRETARY OF THE GOVERNING
BODY
MIRZA
DIST KAMRUP
ASSAM. 78112

Advocate for the Petitioner : MR S KHOUND, MS. S. SAIKIA,MS. N BORAH

Advocate for the Respondent : SC, HIGHER EDU, SC, AG,SC, FINANCE

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 09-03-2026

Heard Mr. S. Khound, learned counsel for the petitioner, who submits that the petitioner retired as a Head Assistant of D.K. College and by filing this writ petition, he has challenged letters dated 06-11-2025, 29-12-2025 & 12-02-2026 by which the recovery of excess Grade Pay drawn by the petitioner is contemplated. The learned counsel submits that drawal of Grade Pay of Rs.10,300/- by the petitioner was in terms of the sanction given by the Finance Department and subsequent Government orders and

the same is not on account of fraud or withholding of facts on the part of the petitioner. The benefit was granted to the petitioner as far back as in the year 2021 and the respondents therefore cannot seek recovery of the same at this stage. The learned counsel therefore submits that the impugned communications as mentioned here-in-above should be set aside.

In view of above, issue notice of motion returnable in 04 weeks.

Since Mr. Upamanu, learned standing counsel, Higher Education Department has accepted notice on behalf of the respondent Nos. 1, 2 & 4; Mr. B. Sarma, learned standing counsel, AG(A&E), Assam, has accepted notice on behalf of respondent No. 6 and Mr. B. Gogoi, learned standing counsel, Finance Department has accepted notice on behalf of the respondent Nos. 3, 5 & 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 counsel for the respondents within 02 working days.

Petitioner to take steps for service of notice upon the respondent No. 8 by speed post.

Steps within 03 working days.

Heard on the prayer of interim relief.

Having regard to the projection made by the petitioner, it is hereby directed that the respondents shall not make further recovery from the petitioners pension and pensionary benefits, till the next returnable date.

List this matter again on 31-03-2026, on which date the interim prayer shall be re-considered.

List along with W.P.(C) No. 1156/2026.

JUDGE

Comparing Assistant