

GAHC010053062024



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

Case No. : WP(C)/1520/2024

DIBAKAR MALI
SON OF LATE GHANA KANTA MALI, HOUSE NO.- 32, PRABHAT BORO
PATH, DHIRENPARA, AMBARI FATASIL, GUWAHATI, ASSAM, PIN- 781025

VERSUS

THE GUWAHATI MUNICIPAL CORPORATION AND 5 ORS.
REPRESENTED BY ITS COMMISSIONER, PANBAZAR, GUWAHATI-1

2:THE COMMISSIONER
GUWAHATI MUNICIPAL CORPORATION
PAN BAZAR
GUWAHATI- 781001

3:THE CHIEF ENGINEER
GUWAHATI MUNICIPAL CORPORATION
UZANBAZAR
GUWAHATI- 781001

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

5:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
PENSION AND PUBLIC GRIEVANCES DEPARTMENT
DISPUR
GUWAHATI- 781006

6:THE DIRECTOR OF PENSION

ASSAM
HOUSEFED COMPLEX
DISPUR
GUWAHATI- 78100

Advocate for the Petitioner : MR. A K BARUAH

Advocate for the Respondent : SC, GMC

**BEFORE
HONOURABLE MR. JUSTICE NELSON SAILO**

ORDER

18.03.2024

Heard Mr. A.K. Baruah, learned counsel for the petitioner.

By filing this writ petition the petitioner prays for release of his pension and other pensionary benefits. The case of the petitioner is that he retired from the post of Executive Engineer, Division-IV, Guwahati Municipal Corporation (GMC) on 30.06.2023. There was some departmental proceedings pending against him but vide order dated 28.09.2023 (Annexure-M), the Commissioner, GMC disposed of the D.P. case drawn up against him since the charges could not be established due to lack of sufficient evidence. The period of suspension was also directed to be as "*On Duty*" for all purpose like increment, D.C.R.G. Pension etc. It is the grievance of the petitioner that despite the same the petitioner has not been given his pension and other pensionary benefits and therefore, he is before this Court.

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

Mr. P. Nayak, learned counsel appears for the respondent nos. 1, 2 & 3, Mr. B. Sarma, learned counsel appears for the respondent no.4 and Mr. J.K.

Goswami, learned Additional Senior Government Advocate appears for the respondent nos. 5 & 6. Notices are therefore complete.

The petitioner shall serve requisite extra copies of the writ petition to learned Standing counsel as well as learned Additional Senior Government Advocate for the respondents within 2 (two) working days from today, if not already done.

Also issue notice on the interim prayer made by the petitioner, returnable by 2 (two) weeks.

List the matter again on 09.04.2024.

JUDGE

Comparing Assistant