

GAHC010071012019



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

Case No. : WP(C)/2237/2019

JATINDRA KR. GOSWAMI
S/O- LT NARAYAN CH. GOSWAMI, R/O- VILL AND P.O. GOBINDAPUR, P.S.
PATACHARKUCHI, DIST- BARPETA, ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS.
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM, POLITICAL (A)
DEPTT., DISPUR, GHY-6

2:THE CHIEF SECY. TO THE GOVT. OF ASSAM
DISPUR
GHY-6

3:THE ASSAM HUMAN RIGHTS COMMISSION
REP. BY ITS SECY.
STATFED H O BUILDING
GMC ROAD
BHANGAGARH
GHY-5

4:THE COMM. ANND SECY. TO THE GOVT. OF ASSAM
FINANCE (ESTT.) DEPTT.
DISPUR
GHY-

Advocate for the Petitioner : MR. S BARUAH

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

Date : 27.09.2023

Heard the learned counsel for the parties.

This writ petition has been filed by the petitioner praying for grant of pension as the same has been denied.

The petitioner was working as LDA under the Assam Human Rights Commission and he was superannuated in the year 2019.

The Political (A) Department, Government of Assam filed an affidavit, wherein, it is stated that the petitioner was regularized in his service by order dated 31.07.2006, pursuant to the resolution adopted on 26.07.2006 and accordingly the regularization order which was issued by the competent authority reflects that the petitioner was regularized w.e.f 2006. He thereafter was superannuated in the year 2019. Accordingly, his regular service falls short of the required mandate under the Pension Rules. Therefore, he is not entitled to pension.

The learned counsel for the petitioner submits that at the time when the petitioner was engaged in service, the Human Rights Commission was not a permanent body.

Pursuant to order dated 13.04.2005, passed in WP(C)/2966/2002 directions were issued to the State of Assam to take necessary decisions regarding the functioning of the Assam Human Rights Commission and to consider decisions regarding framing of service rules, creating of posts, fixation of pay scale etc.

Pursuant thereto, the Human Rights Commission was accepted to be a permanent body and it was ordered that it will be deemed to be constituted w.e.f the date it was initially notified.

Be that as it may, the order dated 31.07.2006 was issued by the Assam Human Rights Commission, whereby, the services of the petitioner was regularized in the post of LDA.

There is no specific prayer made challenging the said order as on date.

From the case record it is seen that service on respondent No.3, the Assam Human Rights Commission is completed and the learned counsel also had entered appearances. However, today when the matter is called up, the counsel representing the respondent No.3 is not present in the Court.

Accordingly, this Court requests Mr. J.K.Goswami, learned Govt. Advocate to obtain required instruction in the matter and in respect of the claims made and place it before the Court.

A copy of the order shall be furnished to the learned Govt. Advocate.

List the matter after 3(three) weeks.

JUDGE

Comparing Assistant