

GAHC010148142023



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

Case No. : WA/356/2023

LAL BIAKTHANGI RALTE AND 10 ORS
D/O PAHLA RALTE, VILL-MAHUR GRADEN, P.O.-MAHUR, DIST-DIMA
HASAO, ASSAM, PIN-788830.

2: BIDHAN CHANDRA MOHANTA
VILL-NOON NAGAR
P.O.-KATIRAIL
DIST-CACHAR
PIN-788804

3: CHAWNGUL THIEK
P.O.-HARANGAJAO
DIST-DIMA HASAO
ASSAM
PIN-788818

4: SWAPNA PAUL
C/O SHYAMA SHILL
P.O.-HAFLONG
DIST-DIMA HASAO
ASSAM
PIN-788819

5: SADHANA KAR
C/O A.T. KAR
P.O.-MAHUR BAZAR
DIST-DIMA HASAO
ASSAM
PIN-788830

6: SAROJ KUMAR DEY
SMASHAN ROAD
SILCHAR MAA KALI LANE
P.O.-AMBIKA PATTY

DIST-CACHAR
ASSAM
PIN-788004

7: BIJOY KRISHNA ROY
VILL-DITTOCKCHERRA
P.O.-DITTOCKCHERRA
DIST-DIMA HASAO
ASSAM
PIN-788818

8: SEIKHOHEN CHANGSAN
W/O NEJALAM CHANGSAN
VILL-SONGRILING
HAFLONG
P.O. AND P.S.-HAFLONG
DIST-DIMA HASAO
ASSAM
PIN-788819

9: LALDAWNKIM HMAR
W/O SIEHKHOKAM
VILL-KHOMUNNOM
P.O.-MAHUR
DIST-DIMA HASAO
ASSAM
PIN-788830

10: ON THE DEATH OF DIZEING JEME HIS WIDEO AND LEGAL HEIR SMT.
RAM SELUNGLE NEWME
VILL-P. LONGKHAI
P.O.-MAHUR
DIST-DIMA HASAO
ASSAM
PIN-788830

11: CHINTAMONI CHETRY
W/O MINA KUMAR CHETRI
VILL-UPPER BAGATER
P.O.-HAFLONG
DIST-DIMA HASAO
ASSAM
PIN-78881

VERSUS

THE STATE OF ASSAM AND 7 ORS. E
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.

OF ASSAM, DEPARTMENT OF PENSION AND PUBLIC GRIEVANCES,
DISPUR, GUWAHATI- 6.

2:THE PRINCIPAL SECRETARY (N)
DIMA HASAO AUTONOMOUS COUNCIL
HAFLONG

3:THE ADDITIONAL DIRECTOR
EDUCATION (HILLS)
ASSAM
HAFLONG

4:THE FINANCE AND ACCOUNT OFFICER (N)
DIMA HASAO AUTONOMOUS COUNCIL
HAFLONG

5:THE DIRECTOR
DIRECTORATE OF PENSION
ASSAM
HOUSEFED COMPLEX
DISPUR
GUWAHATI-6

6:THE PRIMARY EDUCATION OFFICER
DIMA HASAO AUTONOMOUS COUNCIL
HAFLONG

7:THE ACCOUNTANT GENERAL (A AND E)
ASSAM
BELTOLA
GUWAHATI-29

8:THE COMMISSIONER AND SECRETARY
FINANCE DEPARTMENT
DISPUR
GUWAHATI-6

Advocate for the Petitioner : MRS. R DEVI

Advocate for the Respondent : GA, ASSAM

Linked Case : WA/175/2023

PRANJAL PEGU AND 6 ORS.
S/O- LATE PHULSON PEGU
R/O- DAKHIN CHAPARI
P.O. GOBINDAPUR
DIST.- LAKHIMPUR
ASSAM
PIN- 784161. (WORKING AS ASSISTANT TEACHER IN BONGALMORA H.S.
SCHOOL)

2: ABU BAKKAR SIDDIQUE
S/O- LT. INTAZ ALI
R/O- KUTUBPUR
P.O. KUTUBPUR
DIST.- LAKHIMPUR
ASSAM
PIN- 784161 (WORKING AS ASSTT. TEACHER IN BONGALMORA H.S.
SCHOOL)

3: KHAGEN PEGU
S/O- LT. SUNESWAR PEGU
R/O- KACHUTALI
P.O. KACHUTALI
DIST.- LAKHIMPUR
ASSAM
PIN- 784161 (WORKING AS ASSTT. TEACHER IN MORI DIKRONG H.S.
SCHOOL)

4: PULIN DOLEY
S/O- LT. PADMESWAR DOLEY
R/O- DAKHIN CHAPARI
P.O. GOBINDAPUR
DIST.- LAKHIMPUR
ASSAM
PIN- 784161 (WORKING AS ASSTT. TEACHER IN JUGISUTI HIGH SCHOOL)

5: NIZARA DOLEY
D/O- BISWANATH DOLEY
R/O- ALIMUR DANGSHARA GAON
P.O. DHAKUAKHANA
DIST.- LAKHIMPUR
ASSAM
PIN- 784161 (WORKING AS ASSTT. TEACHER IN ALL ASSAM MIRI H.S.
SCHOOL)

6: KIRAN PEGU
S/O- ALIBOR PEGU
R/O- DHITAIPUKHURI
P.O. DHITAIPUKHURI

DIST.- SIVASAGAR
ASSAM
PIN- 785685 (WORKING AS CRAFT TEACHER IN DHITAIPUKHURI HIGH
SCHOOL)

7: NAMANJALI BARUAH
W/O- JIBAN BARUAH
R/O- NOWBOICHA
P.O. NOWBOICHA
DIST.- LAKHIMPUR
ASSAM
(WORKING AS ASSTT. TEACHER IN KANAKLATA MODEL GIRLS HIGH
SCHOOL)
VERSUS

THE STATE OF ASSAM AND 4 ORS.
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
EDUCATION (SECONDARY) DEPTT.
DISPUR
GUWAHATI- 6.

2: THE SECRETARY TO THE GOVT. OF ASSAM
FINANCE (BUDGET) DEPTT.
DISPUR
GUWAHATI- 6

3: THE DIRECTOR OF SECONDARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI- 19.

4: THE INSPECTOR OF SCHOOLS
LAKHIMPUR DISTRICT CIRCLE
DIST.- LAKHIMPUR
ASSAM

5: THE INSPECTOR OF SCHOOLS
SIVASAGAR DISTRICT CIRCLE
DIST.- SIVASAGAR
ASSAM

Advocate for : MR. U K NAIR
Advocate for : SC
SEC. EDU. appearing for THE STATE OF ASSAM AND 4 ORS.

Linked Case : WA/177/2023

MANIK CHANDRA KULI AND 3 ORS.
S/O- LATE MATILAL KULI R/O- BORMUKALI KULIGAON P.O- SISSIBOR

GAON DIST- DHEMAJI ASSAM (WORKING AS ASSISTANT TEACHER IN PACHIM DHEMAJI HIGH SCHOOL).

2: GHANA KANTA GOGOI
S/O- LATE BHUDESWAR GOGOI
R/O- KAWOIMARI
P.O- KALAKATA
DIST- DHEMAJI
ASSAM
(WORKING AS ASSISTANT TEACHER IN PACHIM DHEMAJI HIGH SCHOOL)

3: SANJIB MUKAR BORAH
S/O- SEDDHESWAR BORAH
R/O- RATANPUR
P.O AND DIST- DHEMAJI
PIN-787056
ASSAM
(WORKING AS ASSISTANT TEACHER IN SRIPANI HIGH SCHOOL)

4: RABIN GOGOI
S/O- LATE LARAM GOGOI
R/O- MAJGAON
P.O- GUTTONG
DIST- DHEMAJI
ASSAM
(WORKING AS HINDI TEACHER IN MARIDHAL HIGH SCHOOL)
VERSUS

THE STATE OF ASSAM AND 3 ORS.
REPRESENTED BY COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM
EDUCATION (SECONDARY) DEPARTMENT
ASSAM
DISPUR
GUWAHATI- 6.

2:THE SECRETARY
TO THE GOVERNMENT OF ASSAM
FINANCE (BUDGET) DEPARTMENT
ASSAM
DISPUR
GUWAHATI-06

3:THE DIRECTOR
OF SECONDARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI-19

4:THE INSPECTOR OF SCHOOLS

DHEMAJI DISTRICT CIRCLE
DIST- DHEMAJI
ASSAM

Advocate for : MRS. K DEVI
Advocate for : SC
SEC. EDU. appearing for THE STATE OF ASSAM AND 3 ORS.

Linked Case : WA/171/2023

KHIREN MAHANTA
S/O LATE HIRA MAHANTA
RESIDENT OF LOMATI
P.O.- DIGARU
DIST.- KAMRUP ASSAM 782401. (WORKING AS ASSISTANT TEACHER
DIMORIA HIGH SCHOOL)

VERSUS

THE STATE OF ASSAM AND 4 ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM
EDUCATION (SECONDARY) DEPARTMENT
DISPUR
GUWAHATI- 6.

2:THE SECRETARY TO THE GOVT. OF ASSAM

FINANCE (BUDGET) DEPARMTENT
DISPUR GUWAHATI 06
3:THE DIRECTOR OF SECONDARY EDUCATION

ASSAM
KAHILIPARA
GUWAHATI 19
4:THE INSPECTOR OF SCHOOLS

KAMRUP DISTRICT CIRCLE
DIST KAMRUP ASSAM

Advocate for : MRS. K DEVI
Advocate for : SC
SEC. EDU. appearing for THE STATE OF ASSAM AND 4 ORS.

Linked Case : WA/176/2023

MAHANANDA TALUKDAR
S/O- LATE UBHESWAR TALUKDAR
R/O- DURAMARI
P.O. SORBHAG
DIST.- BARPETA
ASSAM
PIN- 781317 (WORKING AS LOWER DIVISIONAL ASSTT. IN RUPOSI HIGH SCHOOL)

VERSUS

THE STATE OF ASSAM AND 4 ORS.
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
EDUCATION (SECONDARY) DEPTT.
DISPUR GUWAHATI- 6.

2:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
FINANCE (BUDGET) DEPARMTENT
DISPUR GUWAHATI- 6.

3:THE DIRECTOR OF SECONDARY EDUCATION
ASSAM KAHILIPARA
GUWAHATI- 19.

4:THE DEPUTY DIRECTOR SECONDARY EDUCATION ASSAM
KAHILIPARA GUWAHATI- 19.

5:THE INSPECTOR OF SCHOOLS
BARPETA DISTRICT CIRCLE
DISTRICT BARPETA ASSAM.

For the appellants : Mrs. R. Devi, Advocate in
WA 356/2023 & Ms. S.A. Khalifa,
Advocate in other appeals.

For the respondents : Mr. A. Chaliha, S.C., Finance,
Mr. C. Sharma, S.C., Dima Hasao

– B E F O R E –

HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI

HON'BLE MR. JUSTICE SUMAN SHYAM

29-02-2024

(Vijay Bishnoi, C.J.)

Mr. A. Chaliha, learned Standing Counsel, Finance has submitted that the issue involved in this batch of writ appeals is whether the appellants, who are the retired employees/Assistant Teachers from different Schools, are to be governed by the New Pension Scheme or Old Pension Scheme. Mr. Chaliha has submitted that for the same issue raised in another writ appeal, being, WA 156/2023, a special Bench has already been constituted wherein the matter is already at the hearing stage.

Learned counsel for the appellants are not in a position to dispute the said position.

In such circumstances, we deem it appropriate to direct these matters to be tagged with WA 156/2023 and be listed before the appropriate Bench.

JUDGE

CHIEF JUSTICE

Comparing Assistant