

GAHC010106282019



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

Case No. : WP(C) 3737/2019

1:DEBAJIT KR. BORAH
S/O. LT. SURENDRA NATH BORAH, PRESENTLY RESIDING (SAMANNYA),
SBI STAFF QT. NO. E-5, RUKMINIGAON, GUWAHATI-22 AND PERMANENT
R/O. DICHOLNAGAR, P.S. JORHAT, DIST. JORHAT, ASSAM.

VERSUS

1:THE STATE OF ASSAM AND 3 ORS.
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM, POLITICAL (A)
DEPTT., DISPUR, GUWAHATI-781006.

2:THE CHIEF SECRETARY
TO THE GOVT. OF ASSAM
DISPUR
GUWAHATI-781006.

3:THE ASSAM HUMAN RIGHTS COMMISSION
REP. BY ITS SECRETARY
STATFED H O BUILDING
GMC ROAD
BHANGAGARH
GUWAHATI-781005.

4:THE COMMISSIONER AND SECRETARY
TO THE GOVT. OF ASSAM
FINANCE (ESTT.) DEPTT.
DISPUR
GUWAHATI-781006

Advocate for the Petitioner : MR. S BARUAH

Advocate for the Respondent : GA, ASSAM

BEFORE
HON'BLE MR. JUSTICE AJIT BORTHAKUR

07.06.2019

Heard Mr. S Baruah, learned counsel for the petitioner. Also heard Mr. D Nath, learned Additional Senior Government Advocate, Assam appearing for the respondent Nos.1 and 2 and Mr. B Gogoi, learned Standing Counsel, Finance for respondent No.4.

The grievance raised in this petition is that the petitioner was appointed as LDA on temporary basis in the office of the respondent No.3, Assam Human Rights Commission on 16.5.1998. His service was regularized vide order, dated 31.7.2006, by the respondent No.3 in view of the judgment and order, dated 13.4.2005, passed in WP(C) No.2966/2002. However, his past service was not reckoned as qualifying service for pension notwithstanding that the petitioner was regularized w.e.f. 26.7.2006 and disallowed him to avail the benefits provided under the Assam Services (Pension) Rules, 1969.

As Mr. Nath accepts notice on behalf of respondent Nos.1 and 2 and Mr. Gogoi accepts notice on behalf of respondent No.4, requisite extra copies of this petition along with the documents annexed thereto be furnished to them in the course of the day.

Issue notice to the respondent No.3, returnable on **25.7.2019**.

Steps be taken by registered post with A/D within five days.

JUDGE

Comparing Assistant