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

Case No. : WP(C)/2826/2025

SRI PRADIP KUMAR TALUKDAR, ACS RETD
THE THEN SECRETARY TO THE GOVERNMENT OF ASSAM, T AND D
DEPARTMENT, S/O LATE DINANATH TALUKDAR, PRESENTLY RESIDENT
OF BASISTHAPUR, BY LANE NO.4, BELTOLA, GUWAHATI, DIST-KAMRUP
(M), ASSAM, PIN-781028

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF
ASSAM, PERSONNEL (A) DEPARTMENT, DISPUR, GUWAHATI, 781006.

2:THE COMMISSIONER AND SECRETARY
TO THE GOVERNMENT OF ASSAM
PERSONNEL (A) DEPARTMENT
DISPUR
GUWAHATI
781006.

3:THE SECRETARY TO THE GOVERNMENT OF ASSAM
PERSONNEL (A) DEPARTMENT
DISPUR
GUWAHATI
781006.

4:JOINT SECRETARY TO THE GOVERNMENT OF ASSAM
PERSONNEL (A) DEPARTMENT
DISPUR
GUWAHATI
781006.

5:THE ASSAM PUBLIC SERVICE COMMISSION

REPRESENTED BY ITS NAGAR
GUWAHATI
ASSAM 6. SECRETARY
JAWAHAR KHANAPARA
781022

6:SHRI BISWARANJAN SAMAL
IAS
ADDITIONAL CHIEF SECRETARY TO THE GOVERNMENT OF ASSAM
FOOD AND CIVIL SUPPLY AND CONSUMER AFFAIRS
PARLIAMENTARY AFFAIRS DEPARTMENTS
ETC.
ASSAM CIVIL SECRETARIAT D BLOCK
DISPUR
GUWAHATI
781006

Advocate for the Petitioner : MR. D DAS SR. ADV, MS T PARASHAR

Advocate for the Respondent : GA, ASSAM, SC, APSC

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

30.05.2025

Heard Mr. D. Das, learned Senior Counsel assisted by Ms. T. Parashar, learned counsel for the petitioner.

The petitioner is before this Court putting to challenge the order dated 21.02.2025, whereby the penalty of permanently withholding pension including gratuity in full with reference to Rule 21 of the Assam Services Pension Rules, 1969 and Rule 9 of the Assam Services (Discipline & Appeal) Rules, 1964 has been passed in respect of the petitioner and also the departmental proceeding initiated vide the show-cause notice dated 23.06.2020 also stood disposed.

The learned Senior Counsel submits that the manner in which the departmental proceedings were initiated, it contravenes the provisions of law as

well as the rules prescribed and more particularly the department proceeded in violation of Rule 21.

Under such circumstances, the impugned order has been put to challenge. During the pendency of the matter being considered under Rule 21, the petitioner was receiving provisional pension which however has been stopped in view of the order 21.02.2025. The petitioner superannuated from service on 31.01.2022. He therefore, submits that the impugned order being violative of provisions of Rule 21 of the Assam Services Pension Rules, 1969 as well as Rule 9 of the Assam Services (Discipline & Appeal) Rules, 1964 the impugned order needs to be set aside and during the pendency of the writ petition the respondents be directed to continue to release the provisional pension to the petitioner.

Mr. T.J. Mahanta, learned Senior Counsel assisted by Ms. P. Sarma, learned counsel appears for the APSC respondent No.5 and Mr. T.C. Chutia, learned Addl. Senior Government Advocate appears for the respondent Nos. 1, 2, 3 and 4.

The learned counsel for the respondents submit that they require sometimes to complete their instructions in the matter.

Accordingly, issue Notice Returnable within three weeks.

Since the respondent Nos. 1 to 5 are duly represented, notices are waived. However, extra copy be furnished within a period of one week from today.

Steps on respondent No.6 shall be taken by registered post with A/D as well as usual course within one a week from today. Dasti service is also permitted.

Considering the issues involved this Court is of the view that the prayer for interim can be considered on the next returnable date.

List again on 24.06.2025 for considering of the interim prayer.

JUDGE

Comparing Assistant