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

Case No. : WP(C)/3150/2023

ZAHIDA KHATUN @ JAHIDA KHATUN
DAUGHTER OF LATE ALIMUDDIN,
RESIDENT OF VILLAGE- CHIRA-KUNDI,
P.O. AND P.S. RANGIA,
IN THE DISTRICT OF KAMRUP(R),
ASSAM.

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM,
EDUCATION(SECONDARY) DEPARTMENT,
DISPUR, GUWAHATI- 781006.

2:THE DIRECTOR
SECONDARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI- 19.

3:THE INSPECTOR OF SCHOOLS
NALBARI DISTRICT CIRCLE
NALBARI
DISTRICT- NALBARI

ASSAM
PIN- 781369.

4:THE HEAD MASTER
P.B. ALLIA HIGH SCHOOL
NALBARI

DISTRICT- NALBARI
ASSAM

PIN- 781369.

5:THE TREASURY OFFICER
NALBARI
ASSAM
PIN- 781369

Advocate for the Petitioner : MR. P B MAZUMDER, MD. B HUSSAIN

Advocate for the Respondent : SC, SEC. EDU., SC, FINANCE

**BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR**

ORDER

Date : 25.02.2026

Heard Mr. P. B. Mazumder, learned counsel, appearing for the petitioner. Also heard Mr. N. J. Khataniar, learned Standing Counsel, Secondary Education Department.

2. The petitioner in the present proceedings has raised a grievance with regard to non authorization of her salaries w.e.f. 01.01.2006 till January, 2025.

3. The petitioner in the present writ petition has projected that she was initially appointed as an Arabic Teacher by the Inspector of Schools, North Lakhimpur, vide an order dated 09.06.1994 and posted in such capacity in the Laluk Higher Secondary School, North Lakhimpur, against a vacant post available. It is to be noted that the petitioner in the meanwhile was transferred to P. B. Allia High School, Nalbari, vide an order dated 09.06.1994. It is seen that the petitioner's services were, thereafter, regularized vide an order dated 22.12.2009 passed by the Inspector of Schools , Nalbari.

The petitioner having been regularized in her services, her salaries were stopped w.e.f. 01.01.2006 on the ground that the petitioner did not have a GPF account number.

Accordingly, the Inspector of Schools, forwarded the application of the petitioner for allotment of a GPF number to the Director of Secondary Education, Assam, vide a communication dated 29.10.2009. The Headmaster of the School wherein the petitioner was working i.e. P. B. Allia High School, Nalbari, Assam, had also approached the Director of

Secondary Education, vide communication dated 03.02.2017, requesting for release of salaries of the petitioner which were in arrears since 01.01.2006. The application as submitted by the petitioner for opening of a GPF account in her name came to be forwarded to the Office of the Accountant General (A&E), Assam, by the Directorate of Secondary Education, Assam, vide communication dated 03.01.2012. The said process initiated for allotment to the petitioner a GPF number not being taken up to its logical conclusion, the petitioner approached this Court by way of instituting a writ petition being WP(C).No.352/2018.

4. A Co-ordinate Bench of this Court vide an order dated 30.08.2019, upon considering the issues arising in the matter, noticing the objections raised by Accountant General(A&E), Assam, with regard to the proposal submitted for allotment of GPF account number to the petitioner, required the respondent authorities in the Secondary Education Department, to re-submit the application for opening of a GPF account in favour of the petitioner to the Office of the Accountant General (A&E), Assam, along with the requisite clarification and documents.

5. It is seen that, thereafter, for the purpose of meeting the queries raised by the Office of the Accountant General (A&E), Assam, a hearing was held in the matter and on conclusion of the hearing, a report was submitted by the Deputy Director Secondary Education Department, who had conducted the hearing, wherein it was proposed that the services of the petitioner having been regularized vide issuance of an order dated 22.12.2009, the same may be considered as the date of regularization of services of the petitioner and the Office of the Accountant General (A&E), Assam, be intimidated.

6. Basing on the report submitted in the matter, the Director Secondary Education, Assam, vide communication dated 23.12.2020, forwarded the proposal in respect of the petitioner for opening of a GPF

account in her name to the Office of the Accountant General (A&E), Assam, and therein categorically mentioned that the petitioner was regularized in her services vide an order dated 22.12.2009 and accordingly the services of the petitioner be held to be covered by the provisions of the Assam Services (Pension) Rules, 1969.

7. Basing on the said proposal, the Office of the Accountant General (A&E), Assam, proceeded to allot a GPF account number to the petitioner and the petitioner was found to have joined the said fund w.e.f. 21.09.2000. The arrears of salaries of the petitioner pending since 01.01.2006, having not being released, the petitioner has instituted the present proceeding.

8. In terms of the directions passed by this Court in the present proceedings, the petitioner was released her current salaries w.e.f 01.01.2025.

9. Mr. P. B. Mazumder, learned counsel, appearing for the petitioner, by reiterating the above facts, has submitted that the petitioner is slated to retire from her services on reaching the age of superannuation w.e.f. 27.02.2026 and accordingly prays that this Court would be pleased to direct the respondent authorities to release to the petitioner, the arrears of her salaries and also for processing the proposal for authorization to her, her pension and pensionary benefits.

10. Per contra, Mr. N. J. Khataniar, has submitted that an enquiry is under way to determine as to whether the petitioner was working w.e.f. 01.01.2006 as contended by her. He submits that the regularization of the services of the petitioner being so effected by the Inspector of Schools, without any reference to the Director of Secondary Education Department, the said regularization would be of no consequence and no benefits, thereon, would flow to the petitioner, herein. He further

submits that the petitioner having approached this Court after long lapse of time since the date from when her salaries were stopped, the petitioner, in the event, is held to be entitled to arrear salaries, this Court would be pleased to restrict the same to a period of 3 years prior to the date of filing of the Writ Petition.

11. I have heard the learned counsel for the parties and perused the materials available on record.

12. The facts noticed hereinabove are not in dispute. The learned Standing Counsel, Secondary Education Department, has raised a plea that the regularization of the services of the petitioner effected vide order dated 22.12.2009 by the Inspector of School, Nalbari, to be of no consequence, inasmuch as, the same was not done by an authority competent to do so. The said issue at this stage of the service career of the petitioner would not mandate an interference, inasmuch as, the Director of the Secondary Education, Assam, while verifying the service particulars of the petitioner for sending a proposal to the Office of the Accountant General (A&E), Assam, for opening a GPF account in her name had duly noticed the regularization of the services of the petitioner by the jurisdictional Inspector of Schools. On a verification of the said regularization order, the Director Secondary Education Department, vide communication dated 23.12.2020, had categorically contended that the services of the petitioner being already regularized vide order dated 22.12.2009 w.e.f. the date of her joining i.e. on 10.06.1994, the services of the petitioner would be covered by the provisions of the Assam Services (Pension) Rules, 1969. The said position is not disputed by the respondents in the affidavit filed by them. The respondents having admitted to the fact that the petitioner's services was regularized vide the order dated 22.12.2009, the plea now taken with regard to the validity of the order dated 22.12.2009, by the respondents in the

considered view of this Court would not be maintainable and the said plea stands rejected.

13. It is further to be noted that the proposal as submitted for opening of a GPF account in favour of the petitioner was accepted by the Office of the Accountant General (A&E), Assam, and a GPF account came to be opened in the name of the petitioner and therein, the petitioner was shown to have joined the working w.e.f 21.09.2000. The said aspect of the matter also reveals that the respondent authorities had granted retrospective recognition to the services of the petitioner even prior to the date when her services were regularized i.e. prior to 22.12.2009.

14. In the above view of the matter, this Court is of the considered view that the petitioner is entitled to her arrears of salaries w.e.f. 01.01.2006, inasmuch as, the petitioner is a regular Government servant working against a sanctioned post.

Further the materials brought on record also does not reveal that the petitioner during the said period was not in service.

15. In view of the said position, the prayer of the petitioner for release of her salaries in arrears w.e.f. 01.01.2006 would mandate an acceptance from this Court.

16. At this stage it is to be noted that the petitioner had earlier approached this Court by way of instituting a writ petition being WP(C).No.352/2018 for release of her arrear salaries and also for a direction upon the respondent authorities to open a GPF account in her name. It is to be noted that the salaries of the petitioner was not being released only on the ground that she did not have a GPF account. The GPF account of the petitioner was opened on 21.09.2000.

The petitioner's salaries being in arrears, she is found to have prayed for release of the same for the first time before this Court in the

proceedings of WP(C).No.352/2018. Accordingly, applying the decision of the Hon'ble Supreme Court in the case of **Union of India & Ors. Vs. Tarsem Singh** reported in **(2008) 8 SCC 648**, it is directed that the pay and allowances receivable by the petitioner be fixed as of 01.01.2006 and thereafter the salaries receivable by the petitioner every month shall be computed by the respondent authorities by authorizing to her the annual increments along with the benefits of the Revision Of Pay coming into force after 01.01.2006. The arrears of pay now working out shall be released to the petitioner w.e.f. the date prior to 3 (three) years from the date the petitioner had instituted WP(C).No.352/2018 before this Court. The arrears now working out be released to the petitioner within a period of 3 (three) months from the date of receipt of a certified copy of this order.

17. This Court having directed for release of the petitioner's pay and allowance in arrears w.e.f 01.01.2006, the respondent authorities considering the facts that the petitioner would superannuate from her services w.e.f. 27.02.2026 shall also process the proposal for authorizing to the petitioner her pension and pensionary benefits basing on the pay the petitioner would draw as of 27.02.2026, on computation now required to be carried out by the respondent authorities in terms of the direction passed, hereinabove w.e.f. 01.01.2006. The said exercise be also initiated and concluded within a period of 3 (three) months from the date of receipt of a certified copy of this order.

18. With the above observations and directions, the present writ petition stands disposed of.

JUDGE