

GAHC010128142021



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

Case No. : Cont.Cas(C)/293/2021

SMT. KUNJAMAI BORDOLOI
W/O LATE GAHIN CHANDRA BORDOLOI, R/O VILL-KUMARBORI, P.O.-
KILLING VALLEY, P.S.-JAGIROAD, DIST-MORIGAON, ASSAM, PIN-782410

VERSUS

PREETOM SAIKIA AND 8 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, EDUCATION (ELEMENTARY) DEPARTMENT,
DISPUR, GUWAHATI-06, DIST- KAMRUP(M), ASSAM

2:SMTI. BONDONA DUTTA TAMULY
COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF ASSAM
PENSION AND PUBLIC GRIEVANCES DEPARTMENT
DISPUR
GUWAHATI-06
DIST- KAMRUP(M)
ASSAM

3:MANISH THAKUR
COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF ASSAM
FINANCE DEPARTMENT
DISPUR
GUWAHATI-06
DIST-KAMRUP (M)
ASSAM

4:SUBHAS DAS
DIRECTOR OF PENSION
HOUSEFED COMPLEX
DISPUR
GUWAHATI-06

DIST-KAMRUP(M)
ASSAM

5:DR. (MRS.) BIJOYA ENGTI
DIRECTOR OF ELEMENTARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI-19
DIST-KAMRUP(M)
ASSAM

6:AFONG ENGTI
DISTRICT PRIMARY EDUCATION OFFICER
PRIMARY EDUCATION DEPARTMENT
KARBI ANGLONG AUTONOMOUS COUNCIL
DIPHU
P.O.-DIPHU
PIN-782460
DIST- KARBI ANGLONG
ASSAM

7:ABDUL ROUF
PRINCIPAL ACCOUNTANT GENERAL (A ND E)
MAIDAMGAON
BELTOLA
P.O.-BELTOLA
GUWAHATI-29
DIST-KAMRUP(M)
ASSAM

8:KATHARSON ENGTI
SUB INSPECTOR OF SCHOOLS
AUGURI CIRCLE
P.O.-AUGURI
DIST-KARBI ANGLONG
ASSAM
PIN-782413

9:MUKUL GOGOI
PRINCIPAL SECRETARY
KARBI ANGLONG AUTONOMOUS COUNCIL
P.O.-DIPHU
DIST-KARBI ANGLONG
ASSAM
PIN-78246

Advocate for the Petitioner : MR. D BORAH

Advocate for the Respondent : MR. B DEORI (R-4)

**BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI**

ORDER

24.05.2023

Heard Shri D. Borah, learned counsel for the petitioner, who has pointed out that in this contempt petition, an IA(C)/52/2023 was filed for impleading new incumbents as party respondents which was accordingly allowed by this Court vide order dated 25.01.2023. While allowing the said IA, this Court had directed impleadment of the present opposite party respondent nos. 10, 11, 12 & 13 as party respondent nos. 1, 2, 5 and 7 in the connected contempt case.

2. This Court has further been informed that the present respondent no. 5 Dr. (Mrs.) Bijoya Choudhury is no longer the Secretary of the Government of Assam, Education (Elementary) Department. This Court has also been informed that though the respondent no. 9, Shri Mukul Gogoi has been described as the Principal Secretary, KAAC, the proper name of the incumbent is Shri Mukul Kumar Saikia. It further transpires that due to some technical issue regarding uploading of the order, steps could not be taken by the petitioner upon the new incumbents.

3. Accordingly, learned counsel for the petitioner is directed to take steps for service of notice upon the present respondent nos. 2, 5 and 7 by registered post with A/D. Steps within three days.

4. Liberty is also granted to the petitioner to file appropriate application for impleading the present incumbent holding the post of Secretary to the Government of Assam, Education (Elementary) Department as well as to correct the name of the respondent no. 9 which has been indicated above.

5. Shri B. Deuri, learned State Counsel has however placed before this Court a

communication issued by the District Primary Education Officer, KAAC from which it appears that a proposal has already been forwarded for provincialization of the services of the deceased husband of the petitioner for enjoying the family pension. The said proposal was forwarded to the Education (Elementary) Department vide communication dated 03.12.2020.

6. List this case after 4(four) weeks to enable the learned State Counsel to obtain the up-to-date instructions in this regard.

JUDGE

Comparing Assistant