

GAHC010137482026



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

Case No. : WP(C)/3676/2026

FAKHARUDDIN ALI AHMED
R/O- HOUSE NO.75, GANESH NAGAR,P.O.- BAMUNIMAIDAM, P.S.-
CHANDMARI, DISTRICT KAMRUP M, ASSAM, PIN-781021.

VERSUS

THE STATE OF ASSAM AND 4 ORS
THROUGH THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT
OF ASSAM, HEALTH AND FAMILY WELFARE DEPARTMENT, DISPUR,
GUWAHATI- 6

2:THE DIRECTOR OF HEALTH AND FAMILY WELFARE
ASSAM
HENGRABARI
GUWAHATI-781036.

3:THE DIRECTOR OF PENSION
ASSAM HOUSEFED COMPLEX BELTOLA
GUWAHATI- 6.

4:THE ACCOUNTANT GENERAL
ASSAM MAIDAMGAON BELTOLA
GUWAHATI- 28.

5:THE PRINCIPAL SECRETARY
TO THE GOVERNMENT OF ASSAM
FINANCE DEPARTMENT DISPUR GUWAHATI -

Advocate for the Petitioner : MR. I H SAIKIA, MR. K KALITA,A PATHAK,MR. M R
CHOUDHURY,MR K KASHYAB

Advocate for the Respondent : GA, ASSAM, SC, HEALTH,SC, AG,SC, FINANCE

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

ORDER

Date : 17.07.2026

Heard Mr. I. H. Saikia, learned counsel, appearing for the petitioner. Also heard Ms. D. Borah, learned Standing Counsel, Health & Family Welfare Department; Ms. S. Baruah, learned Government Advocate; Mr. R.K. Talukdar, learned Standing Counsel, Accountant General (A&E), Assam; and Mr. R. Borpujari, learned Standing Counsel, Finance Department.

2. The petitioner in the present writ petition has raised a grievance with regard to the contemplated action on the part of the Respondent Authorities, in proceeding to make recoveries from his pension and pensionary benefits, on the ground that the petitioner had overstayed in his service for a period of 01 (one) year.

3. The petitioner contends that in his Service Book, his date of birth was recorded as 02.12.1965, basing on a school leaving certificate produced by him in the matter. From the materials brought on record, including a communication dated 13.04.2026, issued by the Office of the Accountant General (A&E), Assam, this Court does not find that any misrepresentation and/or any suppression, has been alleged against the petitioner in the matter of placing of documents before the Respondent Authorities for the purpose of determining his date of birth.

4. Issue notice returnable by 04 (four) weeks.

5. Ms. D. Borah, learned Standing Counsel, Health & Family Welfare Department, accepts notice on behalf of the respondent nos.1 and 2; Ms. S. Baruah, learned Government Advocate, accepts notice on behalf of the respondent no.3; Mr. R.K. Talukdar, learned Standing Counsel, Accountant General (A&E), Assam, accepts notice on behalf of the respondent no.4 and Mr. R. Borpujari, learned Standing Counsel, Finance Department, accepts notice on behalf of the respondent no.5. As all the respondents are represented, no formal notice is required to be issued. However, requisite extra copies of the writ petition be furnished to the learned counsel for the respondents by the learned counsel for the petitioner.

6. Till the next returnable date, it is provided that no recovery of the amount received by the petitioner as salaries for the overstayed period, shall be made from the pension and pensionary benefits of the petitioner.

7. It is further provided that before the next returnable date, the Respondent Authorities shall authorize to the petitioner a provisional pension in accordance with law. The order authorizing to the petitioner his provisional pension shall be placed on record before this Court on the next date of listing.

8. Registry to list this matter again after 06 (six) weeks, on a date to be fixed by it.

JUDGE

Comparing Assistant