

GAHC010144892023



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

**Case No. : WP(C)/3898/2023**

DIPAK KUMAR SAIKIA AND 2 ORS.  
SON OF LATE PADMA KANTA SAIKIA,  
RESIDENT OF JAYANTA NAGAR, NEAR SECTOR-2, GUWAHATI REFINERY,  
P.O. AND P.S.- NOONMATI,  
GUWAHATI-20, ASSAM.

2: PRIYANKA SAIKIA  
DAUGHTER OF SRI DIPAK KUMAR SAIKIA AND LATE RUMI SAIKIA

RESIDENT OF JAYANTA NAGAR  
NEAR SECTOR-2  
GUWAHATI REFINERY

P.O. AND P.S.- NOONMATI

GUWAHATI-20  
ASSAM.

3: PRIYA SAIKIA (MINOR)  
DAUGHTER OF SRI DIPAK KUMAR SAIKIA AND LATE RUMI SAIKIA

RESIDENT OF JAYANTA NAGAR  
NEAR SECTOR-2  
GUWAHATI REFINERY

P.O. AND P.S.- NOONMATI

GUWAHATI-20  
ASSAM.

NO. 3 IS BEING MINOR REPRESENTED BY HER NATURAL GUARDIAN/  
FATHER DIPAK KUMAR SAIKIA  
I.E.  
PETITIONER NO. 1

VERSUS

THE STATE OF ASSAM AND 5 ORS  
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE  
GOVERNMENT OF ASSAM,  
EDUCATION (SECONDARY) DEPARTMENT,  
DISPUR, GUWAHATI-6, ASSAM.

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

3:THE DIRECTOR OF PENSION  
ASSAM  
HOUSEFED COMPLEX  
DISPUR  
GUWAHATI- 781006.

4:THE INSPECTOR OF SCHOOLS  
NAGAON DISTRICT CIRCLE  
NAGAON  
P.O.- NAGAON

DISTRICT- NAGAON  
ASSAM

PIN- 782001.

5:TREASURY OFFICER  
NAGAON  
DISTRICT NAGAON  
ASSAM  
PIN- 782001.

6:THE HEAD MASTER  
SALMARA HIGH SCHOOL  
NAGAON  
P.O.- SALMORA  
DIST.- NAGAON

PIN- 782425

**Advocate for the Petitioner** : MR. P P DUTTA

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

**BEFORE  
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

**ORDER**

**Date : 30.06.2023**

Heard Ms. P. Sarma, the learned counsel appearing on behalf of the Petitioners. Mr. NJ Khataniar, the learned counsel appears on behalf of the Respondent No. 1, 2 & 4 and Mr. A. Chaliha, the learned counsel for the Respondent No. 5.

2. Issue notice making it returnable on 2<sup>nd</sup> of August, 2023.
3. As the Respondent Nos. 1 to 5 are duly represented by their respective learned counsels, extra copies of the petition be served upon them during the course of the day.
4. As regards the Respondent No.6 steps be taken by way of registered post with A/D as well as usual process during the course of the day.
5. The case of the Petitioners herein are that the Petitioners are entitled for family pension. Though provisional DCRG has already been sanctioned and disbursed to the Petitioners, but the final pension have not been paid to the Petitioners in view of a Communication dated 8/7/2022 whereby the Finance and Accounts Officer of the Director of Pension had written a Communication to the Inspector of Schools, Nagaon to comply with certain requirements and to remove certain deficiency and to re-submit the pension proposal.
6. It is the case of the Petitioners that pursuant to the Communication dated 8/7/2022, nothing has been done from the end of the Inspector of Schools, Nagaon for which the Respondent Authorities have not granted the final pension

and DCRG to the Petitioners.

7. The Respondent in the Education Department is therefore directed to apprise the Court on the next returnable date as to what steps have been taken by the Inspector of Schools, Nagaon pursuant to the Communication dated 8/7/2022.

8. The learned counsel appearing on behalf of the Director of Pension shall also apprise that in the circumstances, the Education Department have taken steps, what steps the Director of Pension have taken in respect to the family pension of the Petitioners.

9. List accordingly.

**JUDGE**

**Comparing Assistant**