

GAHC010144892023



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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, MS. P P DAS,MS P SARMA,MR. R ALI

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

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

ORDER

Date : 13.03.2026

Ms. P. Das, learned Standing Counsel, Secondary Education Department, has placed on record the deficiency noticed by the Director of Pension, Assam, in the pension proposal forwarded in respect of the drawal of family pension by the petitioner, herein. The objection as noticed being relevant is extracted hereinbelow ;

“3) Excess drawal if any arised due to allowing Increment & ACPS benefits during the period of Extra Ordinary Leave may be assesses with due and drawn statement and action taken report on the Govt. instructions as stipulated in the Notification no. Fin(EC-III)1808/2018/3 dt. 27/01/2022 as initiated by concern authorities may be submitted including the detail report of taking of immediate corrective action for treatment of all cases of excess payment, issue of show cause notice to the concerned employee and replies, thereof, issue of speaking orders after receipt of the representation from the employee. Identification of those responsible for overpayment & consequent departmental criminal action considered in appropriate cases.”

2. A perusal of the said objection would reveal that an excess drawal has been alleged to have occasioned with regard to the drawal of increment and ACPS benefits during the period of extra-ordinary leave taken by the husband of the petitioner. Accordingly, Director of Pension, had required the Inspector of Schools, to rectify the said irregularity after issuance of show-cause notice to the concerned employee and receipt of replies thereof, to issue speaking orders including identification of employees responsible for the over payment and to draw consequent Departmental/criminal action in appropriate cases. The petitioner’s husband already having passed away, the said exercise would not be permissible to be so carried out. As an objections has been raised in the matter, this Court directs the Inspector of Schools to take up the matter with the Director of Pension, Assam, for resolution of the issue arising so as to ensure that the pension proposal of the petitioner is expeditiously processed and taken to its logical conclusion.

- 3.** For the purpose of resolution of the issues arising, the petitioner and/or her authorized representative shall approach the Inspector of Schools, Nagaon District Circle, Nagaon, and co-operate with the authority for an early submission of the pension proposal. The Director of Pension, Assam, is required to extend full co-operation in the matter for an early resolution of the issues involved.
- 4.** Registry to list this matter again on **22.04.2026**.
- 5.** On the next date of listing, the respondents shall apprise this Court about the developments taking place after the passing of the order today.

JUDGE

Comparing Assistant