

GAHC010166312024



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

Case No. : WP(C)/4211/2024

KUNJA HAZARIKA
W/O- LATE BHOLA HAZARIKA @ BHULA HAZARIKA @ BHOLA NATH
HAZARIKA, R/O- VILL- SARUCHARAI GHARPHALIA, P.S.- JORHAT, PO-
DHEKORGORAH, DIST- JORHAT (ASSAM), PIN- 785015

VERSUS

THE STATE OF ASSAM AND 6 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM,
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT, DISPUR,
GUWAHATI-6

2:THE COMMISSIONER SECRETARY TO THE GOVERNMENT OF ASSAM
PENSION AND PUBLIC GRIEVANCE DEPARTMENT
DISPUR
GUWAHATI-6

3:THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM
FINANCE DEPARTMENT
DISPUR
GUWAHATI-6

4:THE COMMISSIONER
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT
PANJABARI
JURIPAR
GUWAHATI-37

5:THE DIRECTOR OF PENSION
ASSAM
HOUSEFED COMPLEX
GUWAHATI-6

6:THE CHIEF EXECUTIVE OFFICER
JORHAT ZILLA PARISHAD
JORHAT
DIST.- JORHAT (ASSAM)
PIN- 785001

7:THE TREASURY OFFICER
JORHAT TREASURY
JORHAT
DIST- JORHAT
ASSAM
PIN- 78500

Advocate for the Petitioner : MR. K R PATGIRI, MS. D. DEVI,MS K BARMAN,MS
CHITRALEKHA DAS

Advocate for the Respondent : SC, P AND R.D., SC, FINANCE DEPTT.,GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

21.08.2024.

Heard Ms. K Barman, learned counsel for the petitioner, who by means of this petition has made a claim for pensionary benefit of her deceased husband as well as the family pension.

It is contended that the husband of the petitioner had retired as Office Assistant of the Rajahowli Gaon Panchayat, Jorhat on 30.04.1994 whereafter, as per the Assam Panchayat Employees (Provincialization) Act, 1999, the provincialisation benefits were given w.e.f. 01.10.1991. It is submitted that only on the point of not completing the minimum numbers of years of regularized service, such benefits have been denied.

Let notice be issued, returnable by 6 weeks.

Shri S Dutta, learned Sanding Counsel, P&RD Department, Assam accepts notice on behalf of the respondent nos. 1, 4 and 6; Ms. A Talukdar, learned State Counsel, Assam accepts notice on behalf of the respondent no. 2 and 5 whereas Shri R

Borpujari, learned Standing Counsel, Finance Department, Assam accepts notice on behalf of the respondent nos. 3 and 7.

Extra copies of the writ petition along with its annexures be served upon the learned counsel for the respondents.

JUDGE

Comparing Assistant