

GAHC010180142021



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

Case No. : WP(C)/5750/2021

DR. GOPAL PHUKAN
S/O LATE DAYARAM PHUKAN, R/O TETELIA HILLSIDE, LACHIT
BORPHUKON PATH, NEAR HANUMAN MANDIR, P.S.-JALUKBARI, P.O.-
MALIGAON RAILWAY HEADQUARTERS, GUWAHATI, DIST- KAMRUP(M),
ASSAM, PIN-781033

VERSUS

THE STATE OF ASSAM AND 10 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, HIGHER EDUCATION DEPARTMENT, JANATA
BHAWAN, DISPUR, GUWAHATI-781006

2:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
ASSAM
HIGHER EDUCATION DEPARTMENT
JANATA BHAWAN
DISPUR
GUWAHATI-781006

3:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
ASSAM
FINANCE DEPARTMENT
JANATA BHAWAN
DISPUR
GUWAHATI-781006

4:THE DIRECTOR OF HIGHER EDUCATION
ASSAM
KAHILIPARA
GUWAHATI-781019

5:DUDHNOI COLLEGE
REPRESENTED BY ITS PRINCIPAL
DUDHNOI
DIST- GOALPARA
ASSAM-783124

6:THE GOVERNING BODY
DUDHNOI COLLEGE
REPRESENTED BY ITS SECRETARY
DUDHNOI
DIST- GOALPARA
ASSAM-783124

7:THE PRESIDENT
GOVERNING BODY
DUDHNOI COLLEGE
DUDHNOI
DIST-GOALPARA
ASSAM
PIN-783124

8:THE PRINCIPAL AND SECRETARY
DUDHNOI COLLEGE
DUDHNOI
DIST-GOALPARA
ASSAM-783124

9:THE ACCOUNTANT GENERAL (A AND E)
ASSAM
MAIDAMGAON
BELTOLA
GUWAHATI-781029

10:THE TREASURY OFFICER. GOALPARA
DIST-GOALPARA
ASSAM
PIN-783101

11:THE DIRECTOR OF AUDIT (LOCAL FUND)
ASSAM
KAR BHAWAN COMPLEX
DISPUR
GUWAHATI-78100

Advocate for the Petitioner : MR. P D NAIR

Advocate for the Respondent : SC, HIGHER EDU

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

09.04.2024

Heard Mr. A. Chetry, learned counsel for the petitioner. Also heard Ms. Tinlung learned counsel appearing on behalf of Mr. R.K. Talukdar, learned Standing Counsel, Accountant General and learned counsel for the Higher Education Department.

By filing this writ petition a prayer is made before this Court for release of the pension payable to the petitioner for the services rendered by him as the Principal of Dudhnoi College. It is submitted by the learned counsel for the petitioner that there is no disciplinary proceeding pending against the petitioner, yet the pension papers have not been forwarded to the competent authority by the present Governing Body and the College Authorities.

Although the Governing Body and the College Authority are represented by the learned counsel, none appears today on their behalf when the matter was called up.

Accordingly, since the College Authorities are served notice and they are represented by the learned counsel, who, however, is/are not present in the

Court today, this Court is of the view that the College Authority should furnish the necessary status of the pension papers relating to the writ petitioner and as to why the same has not been furnished to the competent Authority, to the Office of the Director, Higher Education, Assam.

This Court permits the learned Standing Counsel, Higher Education Department to communicate a copy of this order to the College Authorities, namely, the respondent nos. 5, 6, 7 & 8. The respondent nos. 5, 6, 7 & 8 will thereafter place before the Court as to why the pension papers of the writ petitioner has not been submitted to the competent authority in spite of the petitioner having superannuated and request being made by the petitioner for release of his pension papers.

A copy of this order be marked to the Office of the learned Standing Counsel, Higher Education Department for onward communication as directed.

Let the matter be listed after 4 (four) weeks.

JUDGE

Comparing Assistant