

GAHC010185972019



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

Case No. : WP(C)/5867/2019

NAYEBUR RAHMAN
S/O- MD. NAZIR ALI, R/O. VILL- GERGERIA, P.S. PATACHARKUCHI, DIST.
BARPETA (ASSAM).

VERSUS

STATE OF ASSAM AND 5 ORS.
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,
EDUCATION (ELEMENTARY) DEPTT., ,DISPUR, GHY.

2:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
FINANCE DEPTT.
DISPUR
GHY.

3:THE DIRECTOR OF ELEMENTARY EDUCATION
ASSAM
KAHILIPARA
GHY-19.

4:THE BODOLAND TERRITORIAL COUNCIL
THROUGH ITS SECRETARY
KOKRAJHAR
ASSAM.

5:THE DIRECTOR OF EDUCATION
THE BODOLAND TERRITORIAL COUNCIL
KOKRAJHAR
ASSAM.

6:THE DISTRICT ELEMENTARY EDUCATION OFFICER
BAKSA

ASSAM

Advocate for the Petitioner : MS. P BHUYAN

Advocate for the Respondent : SC, EDU

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 06.05.2022

Heard Mr. S. Dutta, the learned counsel appearing on behalf of the petitioner and Ms. R.B. Bora, the learned counsel appearing on behalf of the respondents.

Ms. R.B. Bora submits that the Director of Education, BTC, Kokrajhar had filed their affidavit-in-opposition wherein it has been mentioned that the proposal of supplementary demand budget with effect from February 2018 to June 2018 amounting to Rs.2,18,925/- for payment of arrear salary in respect to the petitioner has been submitted to the BTC vide its Office Letter dated 22.01.2020 as per BEEO, Baksa vide its letter dated 21.01.2020. Later the BTC authority submitted the supplementary demand to the Commissioner and Secretary to the Government of Assam, WPT and BC Department for sanction of the said amount to enable to pay the arrear salary to the petitioner concerned vide the letter dated 30.01.2020. It has been also mentioned in the said affidavit that the payment of the arrear salary will be made in respect of the petitioner as soon as the sanction of the supplementary demand from the Government of Assam and after payment of the arrear salary, the DDO shall process the matter of pensionary benefits of the petitioner who retired on 30.06.2018.

The learned counsel for the BTC Department submits that she needs to take an instruction as to whether the arrear salary of the petitioner has already been processed and as to whether the pension to which the petitioner is entitled to is also being processed and as such submits that she requires at least 10 (ten) days time to get necessary instructions. The record appears that the petitioner had retired on 30.06.2018 and his arrear salary as well as his pensionary benefits have not yet been paid. It is no longer res-integra that pension is not a bounty of the State and consequently, the respondent authorities are required to complete the process of pensionary benefits of the petitioner at the earliest.

Taking into account the submission made by the learned counsel for the respondent, BTC Department, this Court grants the 10 (ten) days time on which date the learned counsel for the respondent BTC shall apprise the Court as to whether the arrear amount has already been paid and what is the status of the process of pensionary benefits to the petitioner.

Let the matter be listed on 18.05.2022.

JUDGE

Comparing Assistant