

WP(C) 3101/2017
BEFORE
HON'BLE MR JUSTICE HRISHIKESH ROY

The petitioners are retired teachers of the provincialised Colleges of Hailakandi District and they superannuated during 1.1.2006-31.3.2009. On the basis of Revision Of Pay, announced by the Assam Government on 4.2.2010, arrear amount for the retired employees were to be disbursed. But under Clause A (page-10) of the Notification (Annexure-I), artificial classification between those who retired between 1.1.2006-31.3.2009 and those who retired during 1.4.2009-31.1.2010, was made. Those who retired during 1.1.2006-31.3.2009, were made ineligible for the arrear benefits on account of pay revision.

The All Assam Retired Officers, Teachers and Employees' Committee, of which the petitioners are members, filed the WP(C) No.61/2011, to challenge the artificial classification amongst the retired employees on the basis of their respective retirement date. They argued that there is no intelligible differentia between the two groups of retired employees. Accordingly such plea was granted by the Court on 28.4.2016 (Annexure-IV), declaring the classification to be impermissible in law.

On the strength of the High Court's judgment, the petitioners applied for their arrear benefits and revised pension but since the same has not been granted, the retired teachers of colleges, have individually re-approached the High Court. Appearing for the respondent No.2, Mr. P. Nayak, the learned standing counsel for the Finance Department submits that the All Assam Retired Officers, Teachers and Employees' Committee had filed the Cont. Case (C) No.619/2016, where notice was issued by the High Court. But in the meantime, the Finance Department has also filed a belated Writ Appeal, to challenge the verdict dated 28.4.2016 (Annexure-IV), in the WP(C) No.61/2011. Now that the delay is condoned by the Division Bench, the Writ Appeal is likely to receive consideration on merit, by the Appellate Court.

Having considered the above, let notice returnable in four weeks be issued. Ms. D.D. Barman, the learned Addl. Sr. Govt. Advocate accepts notice for respondent Nos.1, 3 & 4. The notice for the respondent No.2 is received by Mr. P. Nayak, the learned standing counsel for the Finance Department.

Necessary extra copies be furnished to both the lawyers.