

GAHC010199562022



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

Case No. : WP(C)/6436/2022

SRIKANTA KALITA
S/O. CHANDRADHAR KALITA, VILL. KANDAL PARA, P.O. KUKURMARA,
DIST. KAMRUP, ASSAM, PIN-781134.

VERSUS

THE STATE OF ASSAM AND 3 ORS
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM, EDUCATION
DEPTT. (ELEMENTARY), SACHIVALAYA, DISPUR, GUWAHATI-781006,
ASSAM.

2:THE DIRECTOR OF ELEMENTARY EDUCATION

ASSAM
KAHILIPARA
GUWAHATI-781019.

3:THE DIRECTOR OF PENSION

ASSAM
HOUSEFED COMPLEX
DISPUR
GUWAHATI-781006
ASSAM.

4:THE COMMISSIONER AND SECY.
TO THE GOVT. OF ASSAM
DEPTT. OF FINANCE
DISPUR
GUWAHATI-781006

Advocate for the Petitioner : MR T N SRINIVASAN

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE NELSON SAILO**

ORDER

28.09.2022

Heard Mr. T.N. Srinivasan, learned counsel for the petitioner, who submits that the petitioner is aggrieved with the order dated 11.08.2005 (Annexure - C) in so far as the undertaking has been sought from the petitioner that he will be governed by the new pension rules and not by the earlier Assam Services (Pension) Rules, 1962 (1969) on being regularized in service. The learned counsel submits that the petitioner has been continuously serving as Assistant Teacher from the date of his initial appointment on 26.11.1993 and therefore, the State respondents cannot take away his right to be considered for giving him the benefit of pension as per the pre-existing pension rules of 1962 (1969).

In view of above, issue notice of motion returnable by 4 (four) weeks.

Mr. B. Kaushik, learned counsel appears and accepts notice on behalf of the respondent Nos. 1 & 2. Mr. G. Pegu, learned counsel appears and accepts notice on behalf of the respondent No. 3 and Mr. P. Nayak, learned counsel appears for the respondent No. 4. Notice is therefore complete. Petitioner to service requisite extra copies of the writ petition to the learned counsels for the respondents within 2 (two) days, if not already done.

List this matter again after a month. Respondents to file their counter affidavit in the meantime.

JUDGE

Comparing Assistant