

GAHC010199632022



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

**Case No. : WP(C)/6458/2022**

PABITRA KALITA  
S/O. LT. SONATAN KALITA, VILL. BARPATIMA, P.O. SIKARHATI, DIST.  
KAMRUP, ASSAM, PIN-781125.

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 - F) 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 23.02.1994 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**