

GAHC010201172021



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

Case No. : WP(C)/6550/2021

TAPAN CHANDRA KALITA
S/O LATE RAJAT CH. KALITA, R/O H.NO. 16, RANGPATHAR BYE LANE, P.O.
AND P.S.-AMBARI FATASHIL, DIST- KAMRUP(M), ASSAM, PIN-781025

VERSUS

THE STATE OF ASSAM AND 6 ORS
COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM, PUBLIC
WORKS DEPARTMENT, DISPUR, GUWAHATI-6

2:THE COMMISISONER AND SECRETARY TO THE GOVT. OF ASSAM
FINANCE DEPARTMENT
DISPUR
GUWAHATI-6

3:THE PRINCIPAL ACCOUNTANT GENERAL (A AND E)
ASSAM
MAIDAMGAON
BELTOLA
GUWAHATI-29

4:THE CHIEF ENGINEER
PWD (ROADS)
ASSAM
CHANDMARI
GUWAHATI-3

5:THE DIRECTOR
ASSAM ROAD RESERCH AND TRAINING INSTITUTE
PWRD
FATASHIL AMBARI
GUWAHATI-25

6:RESEARCH OFFICER
ASSAM ROAD RESEARCH AND TRAINING INSTITUTE
PWRD
FATASHIL AMBARI
GUWAHATI-25

7:THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM.
PERSONNEL (B) DEPARTMENT
DISPUR
GUWAHATI-06

Advocate for the petitioner(s): Mr. S Muktar

Advocate for the respondent(s): Mr. R Dhar, Govt. Advocate, Assam
Mr. C Barua, Standing Counsel,
AG, Assam

B E F O R E
HON'BLE MR. JUSTICE DEVASHIS BARUAH

ORDER

02.02.2026

Mr. S Muktar, the learned counsel appearing on behalf of the petitioner submitted that though initially the instant writ petition was filed in the year 2021 complaining as regard the non-finalisation of the pension on the ground of pay protection granted to the petitioner during the period when the petitioner was in service, but subsequently, in the year 2025, the petitioner received the regular pension as well as the other retiral benefits, however, the pay protection which was granted to the petitioner when the petitioner was in service, the said benefit has not been taken into consideration while finalizing the pension of the

petitioner. The learned counsel for the petitioner, therefore, submits that this very aspect of the matter has been brought on record by filing an affidavit on 29.07.2025.

2. The learned counsels appearing on behalf of both the State as well as the Accountant General, Assam shall apprise this Court on the next date fixed as to why the petitioner should not be granted the benefit of the pay protection which was given to the petitioner during the time when the petitioner was in service while finalizing his pension.

3. List this matter again on 04.05.2026.

4. In the meantime, the affidavits be filed by the State as well as the Accountant General, Assam in response to the queries so made by this Court or before 27.04.2026.

JUDGE

Comparing Assistant