

GAHC010214612024



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

Case No. : WP(C)/5412/2024

ROMESH CH CHUTIA
S/O LATE MANIK CH CHUTIA, R/O SADORI BARUAH PATH, P.O.- BIDYA
NAGAR, KHELMATI, P.S.-KHELMATI, DIST- LAKHIMPUR, ASSAM

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, DEPARTMENT OF SCHOOL EDUCATION, DISPUR, GUWAHATI-6

2:THE SECRETARY COMMISSIONER
FINANCE DEPARTMENT
GOVT. OF ASSAM
DISPUR
GUWAHATI-

3:THE DIRECTOR
SECONDARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI-19

4:THE SECRETARY
ASSAM STATE SCHOOL EDUCATION BOARD
BAMUNIMAIDAM
GUWAHATI

5:THE ACCOUNTANT GENERAL (A AND E)
ASSAM
MAIDAMGAON
BELTOLA
GUWAHATI-37

6:THE DIRECTOR
PENSION AND PUBLIC GRIEVANCE DEPARTMENT
HOUSEFED
GUWAHATI-

Advocate for the Petitioner : MR. P J SAIKIA, MS D DUTTA

Advocate for the Respondent : SC, SEC. EDU., GA, ASSAM,SC, SEBA,SC, AG,SC, FINANCE

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

22.04.2025

Heard Mr. P.J. Saikia, learned counsel for the petitioner. Also heard Mr. U. Sarma, learned standing counsel, Secondary Education Department, appearing for the respondent Nos.1 and 3 and Mr. D. Das, learned counsel appearing on behalf of Mr. B. Sarma, learned standing counsel for the respondent No.5.

The learned counsel for the respondent No.5 has produced written instruction, dated 27.02.2025, received from the Senior Accounts Officer (Legal Cell), Office of the AG, Maidamgaon, Beltola. It is stated in the aforementioned letter that the office has neither received the pension papers nor the GPF final withdrawal application from the competent authority and as such, the office could not act upon the petitioner's grievance.

But, Mr. Sarma, learned standing counsel for Secondary Education Department has produced written instruction before this Court and also produced a letter dated 17.01.2025, which indicates that the application and enclosures in respect of the petitioner for withdrawal of his GPF money was forwarded vide Memo No.E-426910/144-A, dated 17.01.2025.

Under such circumstances, the respondent No.5 is directed to release the GPF amount, which the petitioner is entitled to, within a period of 2(two) weeks from the date

of receipt of a certified copy of this order. In the event of failing to release the same within a period of two weeks, the Court will consider to issue direction to the respondent No.5 to remain personally present before this Court on next date. The respondent No.5 on the next date shall also furnish Leave Admissibility Report of the petitioner pursuant to the letter dated 13.03.2025 issued by the Joint Secretary to the Govt. of Assam, Department of School Education.

The instruction so placed on record by Mr. Sarma further indicates that the pension papers of the petitioner could not be processed, as the deputation period of the petitioner is yet to be regularized and the file was sent to the Finance Department, but the Finance Department has regretted the same and now the matter is endorsed to one ARTP&PG Department for views.

Mr. Sarma shall obtain up to date instruction in respect of the aforementioned file and apprise this Court on next date about the latest status.

List the matter on 16.05.2025

Sd/- Robin Phukan
JUDGE

Comparing Assistant