

GAHC010237552024



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

Case No. : WP(C)/5911/2024

KIRAN SAHARIAH
W/O- HARI KAKATI,
R/O- BARBARI, H.NO-37, DEHAL ARNAM PATH,
P.O- HENGRABARI, GUWAHATI-36, DIST- KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM AND 4 ORS
REP. BY THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF ASSAM,
HEALTH AND FAMILY WELFARE DEPARTMENT
DISPUR, JANATA BHAWAN, GUWAHATI-6.

2:THE DIRECTOR OF HEALTH SERVICES
HENGRABARI
KAMRUP (M)
GUWAHATI-36

3:THE JOINT SECRETARY
TO THE GOVERNMENT OF ASSAM
HEALTH AND FAMILY WELFARE DEPARTMENT
DISPUR
JANATA BHAWAN
GUWAHATI-6.

4:THE ACCOUNTANT GENERAL
BELTOLA
MAIDAMGAON
GUWAHATI- 29
KAMRUP (M)
ASSAM

5:THE SENIOR ACCOUNTS OFFICER

O/O THE PR ACCOUNTANT GENERAL (A AND E)

BELTOLA
MAIDAMGAON
GUWAHATI- 29
KAMRUP (M)
ASSA

Advocate for the Petitioner : MR. P K MUNIR, MR. L Deka, MR. CHARAN DEKA, MR. A. GAYAN

Advocate for the Respondent : SC, HEALTH AND F W, SC, AG (A AND E)

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

18.03.2026

Heard Mr. C. Deka, learned counsel for the petitioner. Also heard Mr. R. K. Talukdar, learned Standing Counsel, Accountant General.

2. The grievance of the petitioner is the non fixation of the pensionary benefits. As on date the petitioner is receiving her provisional but the regular pension has not been finalized. Being aggrieved this writ petition has been filed.

3. Notice was issued by order dated 18.11.2024. The steps for recovery of amount in respect to the writ petitioner had been stayed until returnable date and which order has been extended, which is currently in effect.

4. The petitioner is receiving provisional pension as on date. But in spite of opportunities being granted the respondents have not filed their objections.

- 5.** Today when the matter is called up, none had represented the Health Department.
- 6.** Mr. R.K. Talukdar, learned Standing Counsel, Accountant General submits that the papers which are forwarded to the Accountant General were remanded back to the Administrative Department for seeking necessary clarifications, which clarifications are not made as on date.
- 7.** Considering the issues involved this Court directs the respondent department namely the Health Department to appraise the Court about the status of finalization of the pension of the writ petitioner.
- 8.** The respondents shall file their affidavit in opposition, if so advised in the meantime.
- 9.** In the event of the affidavit as directed will not file by the next date fixed then the Court will proceed to hear the matter on the basis of the materials available before the Court.
- 10.** List on 07.05.2026.

JUDGE

Comparing Assistant