

GAHC010266492024



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

Case No. : WP(C)/6762/2024

KHANINDRA KUMAR NATH
S/O LATE JOY CHANDR ANATH
R/O HOLI GOGOI PATH, GOROLI NEAR SARASUJAI STADIUM, P.O.
SAUKUCHI, P.S. BASISTHA,
GUWAHATI, DIST. KAMRUP, ASSAM

VERSUS

THE STATE OF ASSAM AND 4 ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, ENVIRONMENT AND FORESTS DEPARTMENT,
DISPUR, GUWAHATI-6.

2:THE SECRETARY TO THE GOVT. OF ASSAM

ENVIRONMENT AND FORESTS DEPARTMENT
DISPUR
GUWAHATI-6.

3:THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS
AND HEAD OF FORESTS FORCE
ASSAM
PANJABARI
GUWAHATI-22.

4:THE ADDITIONAL PRINCIPAL CHIEF CONSERVATOR OF FORESTS

SOCIAL FORESTRY
ASSAM

GUWAHATI NOW RE-DESIGNATED AS PRINCIPAL CHIEF CONSERVATOR
OF FORESTS

SOCIAL FORESTRY
ASSAM
GUWAHATI-22.

5:THE PRINCIPAL ACCOUNTANT GENERAL (A AND E)

ASSAM
MAIDAMGAON
GUWAHATI-2

Advocate for the Petitioner : MR. J I BORBHUIYA, MR. L MOHAN,MRS. K H
CHOUDHURY,MR A HOSSAIN,W.H. DEVI

Advocate for the Respondent : SC, FOREST, MR D BHATTACHARYA,MR. J K GOSWAMI

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

Date : 28.01.2026

Heard Mr. L. Mohan, learned counsel appearing for the petitioner.
Also heard Mr. I. Borthakur, learned Standing Counsel, Forest Department.

2. Mr. I. Borthakur, learned Standing Counsel, Forest Department by relying to paragraph Nos. 5 and 6 of the affidavit-in-opposition dated 15.10.2025 filed by the respondent No. 3, submits that a sum of Rs. 82,52,688/- in respect of the petitioner's arrear salary w.e.f. 01.11.2006 to 30.11.2021 and Rs. 5,96,246/- w.e.f. 07.10.1988 to 01.05.2005 has been released to the petitioner. He further submits that the provisional pension of the petitioner has also been sanctioned vide Office Order dated 14.05.2025 as evident from the Sanction Letter dated 14.05.2025, enclosed as Annexure-B to the said affidavit-in-opposition filed by the respondent No. 3.

3. Mr. L. Mohan, learned counsel for the petitioner, however submits that the aforesaid arrear salary does not include the promotion arrear monetary benefit as claimed under paragraph C & D of the writ petition.

Paragraph C & D of the writ petition reads as under:

“(C). A writ in the nature of Mandamus shall not be issued directing the respondents to pay the arrear monetary promotional benefits as per pay scale of Assistant Conservator of Forests w.e.f 27/8/2009 till September 2014 after adjustment if any including eligible increments as per ROP in question by considering the relaxation in terms of FR 17 as prayed for by the petitioner vide representations dated 11/4/2023 and 3/10/2023 respectively without further delay.

(D). A writ in the nature of Mandamus shall not be issued directing the respondents to pay the arrear monetary promotional benefits as per pay scale of Deputy Conservator of Forests w.e.f. 9/10/2014 to till February 2024 after adjustment if any including eligible increments as per ROP in question by considering the relaxation in terms of FR 17 as prayed for by the petitioner vide representations dated 11/4/2023 and 3/10/2023.”

4. Mr. I. Borthakur, learned Standing Counsel, Forest Department seeks a short accommodation to obtain specific instruction as regards paragraph C & D of the writ petition and file an additional affidavit in this regard.

5. The prayer is allowed.

6. Relist the matter on 18.02.2026.

JUDGE

Comparing Assistant