

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 SUMAN SHYAM

ORDER

Date : 26/05/2025

Heard Mr. J.I. Barbhuiya, learned counsel for the writ petitioner. Also heard Mr. D. Gogoi, learned Standing Counsel, Forest Department, Assam, who is present on behalf of the respondent nos. 1 to 4 and Mr. D. Bhattacharya, learned Standing Counsel, Office of the AG (A&E), Assam, appearing for the respondent no. 5.

Mr. Sachindra Das, Joint Secretary to the Government of Assam, Environment and Forest Department, Government of Assam, is also personally present before this Court in terms of the order dated 13/05/2025 passed by this Court.

Referring to the observations made by this Court in the order dated 13/05/2025, Mr. Gogoi submits that an amount of Rs. 5,96,446/- along with 1 (one) month's arrear pension (Provisional) had already been deposited in the account of the writ petitioner on 14/05/2025. That apart, the provisional pension of the petitioner has also been sanctioned. Mr.Gogoi, however, submits that finalizing the pension of the petitioner would require relaxation of certain provisions of the FR SR and

the matter is under active consideration by the Finance Department. He submits that a decision in that regard will be taken at the earliest. As such, the learned Departmental counsel has prayed for some more time.

Considering the submissions made by the petitioner's counsel that his client is suffering from Cancer and due to non-payment of his arrear salary/arrear pension and other retirement dues, the writ petitioner has not been able to avail adequate medical treatment, this Court had issued certain directions on 03/04/2025 and 13/05/2025. From the submissions made by the learned Departmental counsel, it appears that some temporary relief has been granted to the petitioner by depositing some amount in his bank account on 14/05/2025. The said fact has also been confirmed by Mr. Barbhuiya, learned counsel for the writ petitioner.

Mr. Barbhuiya, however, submits that a direction be issued by this Court to finalize the pension of the petitioner and release of his arrear dues at the earliest.

The said prayer will be considered on the next date fixed.

Taking note of the request made by Mr. D. Gogoi, this matter be listed again on 15/07/2025, as a fixed item by which date, the learned departmental counsel to obtain updated instruction and appraise this Court.

Personal appearance of Mr. Sachindra Das, Joint Secretary to the Government of Assam, Environment and Forest Department, Assam, stands dispensed with for the present and until further order.

JUDGE

Comparing Assistant