

GAHC010269382022



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

Case No. : WP(C)/8444/2022

HAMIDA KHATUN
W/O LATE SHAH JALAL MIAH, R/O VILL-KATARIHARA, P.O.-KATARIHARA,
P.S.-LAKHIPUR, DIST- GOALPARA, ASSAM, PIN-783132

VERSUS

THE STATE OF ASSAM AND 7 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF
ASSAM, EDUCATION (SECONDARY) DEPARTMENT, DISPUR, GUWAHATI-
781006

2:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
ASSAM
FINANCE DEPARTMENT
DISPUR
GUWAHATI-781006

3:THE DIRECTOR OF SECONDARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI-781019

4:THE DIRECTOR OF PENSION
ASSAM
HOUSEFED COMPLEX
GUWAHATI-781006

5:THE INSPECTOR OF SCHOOLS
G.D.C.
GOALPARA
P.O. AND P.S.-GOALPARA
DIST-GOALPARA

ASSAM
PIN-783331

6:THE TREASURY OFFICER. GOALPARA
P.O. AND P.S.-GOALPARA
DIST-GOALPARA
ASSAM
PIN-783331

7:THE PRINCIPAL
JALESWAR HIGHER SECONDARY SCHOOL
JALESWAR
P.O.-JALESWAR
P.S.-LAKHIPUR
DIST-GOALPARA
ASSAM
PIN-783132

8:THE PRINCIPAL KRISHNAI MADRASSA HIGHER SECONDARY SCHOOL
KRISHNAI
P.O. AND P.S.-KRISHNAI
DIST-GOALPARA
ASSAM
PIN-78312

Advocate for the Petitioner : MR J ABEDIN

Advocate for the Respondent : SC, SEC. EDU.

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 31.03.2023

Heard Mr. J. Abedin, learned counsel for the petitioner. Also heard Mr. B. Kaushik, learned counsel for the respondent Nos. 1, 3 & 5; Mr. A. Chaliha, learned counsel for the respondent Nos. 2 & 6; Mr. S. R. Baruah, learned counsel for the respondent No. 4 and Mr. A. F. N. U. Mollah, learned counsel for the respondent No. 7.

It appears that the petitioner have already taken dasti service upon the

respondent Nos. 7 and 8 and have filed an affidavit. From the affidavit as well as the returned notice, it appears that the respondent Nos. 7 and 8 have been duly served. Taking into account the above, service upon the respondent Nos. 7 and 8 is duly complete.

Mr. Kaushik, learned counsel appearing on behalf of the Secondary Education Department submits that he has no instructions as regards the arrear salary of the petitioner. He, however, submits that he shall obtain the necessary instructions in that regard.

Mr. Baruah, learned counsel submits that as regards the pension/family pension of the petitioner can only be taken up once a proposal is received from the respondent No. 5.

Mr. Kaushik, learned counsel submits that the respondent No. 5 is yet to receive the proposal from the respondent No. 8.

Taking into account the above, this Court, therefore, fixes the matter again on 12th May, 2023.

The respondent No. 8 is directed to forthwith upon receipt of a certified copy of this order, which the petitioner is directed to serve to the respondent No. 8, shall send the proposal of pension entitlement of the Petitioner's husband as well as family pension of the petitioner to the respondent No. 5.

A copy of the communication so placed by Mr. Baruah, learned counsel is kept on record and marked with letter "X".

JUDGE

Comparing Assistant