

GAHC010279662023



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

**Case No. : WP(C)/7318/2023**

KAMRUL ISLAM CHOUDHURY  
SON OF ABDUL MATIN CHOUDHURY, VILLAGE- SONAPUR PART-I, P.O.  
SONAPUR, P.S. BORKHOLA, DIST. CACHAR, ASSAM

VERSUS

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

2:THE DIRECTOR  
SECONDARY EDUCATION  
KAHILIPARA  
GUWAHATI  
ASSAM-19

3:THE ACCOUNTANT GENERAL (A AND E)  
ASSAM BELTOLA  
GUWAHATI 29 ASSAM

4:THE DIRECTOR  
PENSION AND PUBLIC GRIEVANCES DEPARTMENT  
DISPUR  
GUWAHATI  
ASSAM

5:THE DISTRICT ELEMENTARY EDUCATION OFFICER  
CACHAR  
SILCHAR

6:THE INSPECTOR OF SCHOOLS  
CDC SILCHAR

CACHAR

7:THE BLOCK ELEMENTARY EDUCATION OFFICER  
CACHAR SILCHAR  
ASSA

**Advocate for the Petitioner** : MR. I ALAM

**Advocate for the Respondent** : SC, SEC. EDU.

**BEFORE**  
**HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY**

**ORDER**

**05.01.2024**

Heard Mr. I. Alam, learned counsel for the petitioner.

According to the petitioner, this Court under its order dated 14.12.2015 passed in WP(C)/2284/2013, held that the petitioner shall be entitled for benefit under Assam Services (Pension) Rules, 1969. It is the grievance of the petitioner that even after such entitlement, during his service period no GPF account has been opened in his name.

In this regard, the Director of Secondary Education, Assam, requested for a clarification from the Commissioner & Secretary to the Government of Assam, Education (Secondary) Department, Dispur, Guwahati-6 regarding creation of GPF account in the name of the petitioner. In the meantime, during pendency of this writ petition, the petitioner has retired on 31.12.2023.

Mr. N. J. Khataniar, learned Standing Counsel for the Education Department in terms of this Court's order dated 18.12.2023 submits that the matter is under consideration and will require some time to obtain the detail instruction inasmuch as the instruction received is not complete.

Issue notice returnable on **09.02.2024**.

As Mr. N. J. Khataniar, learned Standing Counsel for the Education Department accepts notice on behalf of the respondent Nos. 1, 2, 5, 6 and 7, Mr. P. Saikia, learned Standing Counsel for the Pension Department accepts notice on behalf of the respondent No. 4 and Mr. S. K. Medhi, learned Standing Counsel for the Accountant General (A&E), Assam accepts notice on behalf of the respondent No. 3, no formal notice need be issued to the said respondents. However, extra copies of this writ petition be furnished to the learned counsel for the respondents within a period of five days from today.

Pendency of this writ petition shall not be a bar for the respondents to create the GPF account in the name of the petitioner and pay him pension.

**JUDGE**

**Comparing Assistant**