

GAHC010284202025



2026:GAU-AS:550

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

Case No. : WP(C)/214/2026

SAJI BUL KHAN
SON OF LATE MONIRUDDIN KHAN, RESIDENT OF KAZIPARA PT-1 POST
OFFICE-CHAPAR POLICE STATION- CHAPAR DISTRICT, ASSAM, PIN-783371

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF ASSAM,
IRRIGATION DEPARTMENT, DISPUR, GUWAHATI-6

2:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
ASSAM

FINANCE DEPARTMENT
DISPUR
GUWAHATI-6

3:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
ASSAM

ADMINISTRATIVE REFORMS TRAINING AND PENSION AND PUBLIC
GRIEVANCES DEPARTMENT
DISPUR
GUWAHATI-6

4:THE CHIEF ENGINEER IRRIGATION ASSAM
CHANDMARI
GUWAHATI-3

5:THE EXECUTIVE ENGINEER

GOURIPUR- BILASHIPARA WEST DIVISION (IRRIGATION)

GOURIPUR

6:THE PRINCIPAL ACCOUNTANT GENERAL (A AND E)
ASSAM
MAIDAMGAON
BELTOLA
GUWAHATI-2

Advocate for the Petitioner : MR. C BHATTACHARYYA, MR R DAS

Advocate for the Respondent : GA, ASSAM, SC, AG (A AND E),SC, IRRIGATION,SC, FINANCE DEPTT.

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

19.01.2026

Heard Mr. C Bhattacharyya, learned counsel for the petitioner. Also heard Mr. N Upadhyay, learned Standing counsel, Irrigation Department, Assam for the respondent Nos. 1, 4 & 5, Mr. R Borpujari, learned Standing counsel, Finance Department, Assam for the respondent No. 2, Ms. U Sharma, learned Government Advocate, Assam for the respondent No. 3 as well as Mr. B Sharma, learned Standing counsel, Accountant General (A&E) for the respondent No. 6.

2. By way of this petition under Article 226 of the Constitution of India, the petitioner is seeking re-calculation of his basic pension by taking into consideration the qualifying service for full pension and determining the actual amount of gratuity on the basis of his total length of service without any deduction and accordingly, allowing the petitioner to draw the actual basic pension and gratuity.

3. With the consent of the learned counsels for the parties, the instant writ petition is taken up for final disposal at the motion stage itself.

4. The brief facts of the case are that the petitioner was initially appointed as a

Master Roll Worker on 18.03.1980 under the Office of the Assistant Executive Engineer, Chapar Sub-Division (Irrigation) and his service was later on regularized as a Helper w.e.f. 22.07.2005 by office order dated 06.10.2005. Thereafter, the petitioner retired from service on 31.03.2013.

5. In terms of the Office Memorandum dated 20.05.2009 while calculating the pension of the petitioner, 6 years of service was deducted. It is the specific case of the petitioner that upon the aforesaid O.M. dated 20.05.2009 being challenged before this Court in WP(C) No. 1089/2015, this Court by judgment and order dated 04.12.2018 was pleased to hold the said O.M. dated 20.05.2009 as non-permissible. It is the basic contention of the writ petitioner that counting of past service by deducting the initial period of service of 6 years is un-reasonable.

6. In the instant case, the petitioner having rendered past service, is entitled for re-calculation to get the actual amount of pension and gratuity, taking into account his total length of service.

7. Having heard the learned counsels for the parties and having noticed that in similar circumstance this Court in the cases of ***Aliza Begum -Vs- State of Assam and Ors*** (WP(C) No. 361/2025) and ***Jogeswar Bujarbaruah -Vs- State of Assam and Ors.*** (WP(C) No. 5869/2023) by judgments and orders dated 07.03.2025 and 03.05.2024 respectively, have directed the respondent authorities to re-examine the claims of the petitioners in those cases and upon verification if having found that 6 years of past service of the petitioners therein have been deducted, to re-calculate the gratuity and other retiral benefits by taking into account the entire period of service of those petitioners in terms of ***Sanjita Roy -Vs- State of Assam and Ors*** reported in ***(2019) 2 GLT 805*** in WP(C) No. 1089/2015 decided on 04.12.2018 and ***Binapani Das -Vs- the State of Assam and Ors.*** in W.A. No. 18/2021 decided by the Division Bench of this Court by judgment and order dated 26.02.2021, I do not find any reason to defer from issuing similar direction in the context of the present case, which

squarely fits in the context of those above referred cases.

8. Accordingly, it is directed that the pension of the petitioner shall now be re-calculated/re-computed by adding 6 years of past service to his credit and the consequential pensionary benefits, including gratuity, etc., upon verification in accordance with law and if the same are found to be entitled, shall be paid to him within a period of 90 (Ninety) days from the date of receipt of a certified copy of this order.

9. Ordered accordingly.

10. With the above observation and direction, the instant writ petition stands allowed and disposed of.

JUDGE

Comparing Assistant