

GAHC040016502025

2026:GAU-AP:392



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

Case No. : WP(C)/468/2025

Prem Kandhu
Son of Late Lobsang Dorjee, resident of Khirmu, PO Kitpi, PS and District Tawang,
Arunachal Pradesh.

VERSUS

The State of AP and 6 Ors
represented by the Chief Secretary, Govt of Arunachal Pradesh, Itanagar.

2:The Commissioner (Vigilance)
Age: 0
Occupation :
Govt of Arunachal Pradesh
Civil Secretariat
Itanagar.

3:The Principal Secretary (Vigilance)
Age: 0
Occupation :
Govt of Arunachal Pradesh
Civil Secretariat
Itanagar.

4:The Deputy Commissioner
Age: 0
Occupation :
West Kameng District
Bomdila
Arunachal Pradesh.

5:The Director of Audit and Pension
Age: 0
Occupation :
Govt of Arunachal Pradesh

Naharlagun.

6:The District Land Revenue and Survey Officer

Age: 0

Occupation :

West Kameng District

Bomdila Arunachal Pradesh.

7:The Executive Engineer

Age: 0

Occupation :

Public Health Engineering and Water Supply Department

West Kameng District

Bomdila

Arunachal Pradesh

Advocate for the Petitioner : Vijay Jamoh, Abanso Gamre,S Tsering,Bakar Dulom,B Padung

Advocate for the Respondent : GA (AP),

**BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY**

ORDER

Date : 23.04.2026

Heard Mr. B. Padung, learned counsel for the petitioner and Ms. G. Ete, learned Additional Senior Government Advocate, Arunachal Pradesh for all the respondents.

2. The petitioner has stated that he was initially appointed as Work-Charged [Mason] Employee against a post created vide a Government Order dated 19.09.1991 in the Rural Works Department, West Kameng District, Bomdila, Arunachal Pradesh. The petitioner joined as Work Charged Mason on 20.05.1992. Subsequently on 29.01.1993, the service of the petitioner was regularized vide an Order of even date from the date of his joining the service. During his service tenure, the Rural Works Department got bifurcated into two departments, namely [i] Rural Works Department and [ii] Public Health Engineering and Water Supply [PHE & WS] Department. After bifurcation, as per his option, the service of the petitioner as Work Charged Mason was absorbed in the PHE & WS Department. After rendering service of above 34 years, the petitioner supposed to go on retirement on reaching the age of superannuation

on and from 30.09.2025.

3. By an Order dated 02.04.2013 issued by the Department of Vigilance, Government of Arunachal Pradesh, a Vigilance Certificate to a Government employee for settling retirement dues and a No Objection Certificate [NOC] from the concerned Deputy Commissioner stating that the Government employee has not encroached upon any Government property are made compulsory. A Circular dated 14.02.2022 was issued by the Finance Department, Government of Arunachal Pradesh stating inter alia that the pension papers of a retiring Government employee were to be submitted not later than four months in advance of the date of retirement of the Government employee. As by the Order dated 02.04.2013, a No Objection Certificate [NOC] was required to be submitted and the petitioner was going to retire on and from 30.09.2025, the petitioner submitted an application for issuance of a No Objection Certificate [NOC] on 28.05.2025 and the same was duly forwarded to the jurisdictional Deputy Commissioner of West Kameng District, Bomdila for issuance of No Objection Certificate [NOC]. But despite submission of the application for the NOC, the same was not processed during the subsequent period. As the petitioner was to retire from service on reaching the age of superannuation on 30.09.2025, the petitioner had filed the present writ petition on 22.09.2025 seeking inter alia a direction to the respondent authorities to issue the NOC for the purpose of vigilance clearance so as to receive the pension and other retirement benefits due to the petitioner on his retirement on superannuation.

4. It is the case of the petitioner that when after submission of the application for NOC before the jurisdictional Deputy Commissioner, he went to enquire about the reasons for the delay, the petitioner was verbally informed that the NOC would not be issued to the petitioner for the purpose of vigilance clearance as the petitioner was allegedly in unauthorized occupation of a Government plot of land which would come under the purview of the provisions of the Arunachal Pradesh Public Premises [Eviction of Unauthorised Occupants] Act, 2003.

5. In this writ petition, the petitioner himself has fairly admitted that he is in occupation of a plot of land measuring 66 square metres at Medical Colony, Bomdila which is a

Government land, since 2000. The petitioner has further mentioned that on the said Government plot of land, he has constructed a house and has applied for allotment of the said plot of land on 23.12.2015. It is further mentioned since the year 2000, the family of the petitioner has been staying in the said Government plot of land by duly paying the requisite water and electricity bills.

6. During the pendency of the writ petition, the petitioner stood retired from service on reaching the age of superannuation on 30.09.2025. The respondents were put to notice on 23.09.2025. Neither any counter affidavit has been filed on behalf of the respondents nor the NOC has been issued till date.

7. It is submitted at the Bar that the case of the petitioner is squarely covered by the Judgment and Order dated 04.08.2015 passed in W.P.[C] no. 123[AP]/2015 and Judgment and Order dated 26.05.2016 passed in W.P.[C] no. 262[AP]/2016.

8. The right to receive pension and other retirement benefits after rendering service for a long period as per the extant rules is a valuable right which is vested in a Government employee. Pension is not an incentive but a reward for past service. A person cannot be denied his right to pension as per the concerned pension rules in force without the authority of law which is a constitutional mandate enshrined in Article 300A of the Constitution of India. The requirement of obtaining a NOC for vigilance clearance for a retiring Government employee has been brought in place by way of executive instructions.

9. If the petitioner is found to be in unauthorized occupation of any Government plot of land, which fulfills the definition of public premises under the Arunachal Pradesh Public Premises [Eviction of Unauthorised Occupants] Act, 2003, then proceedings are required to be initiated as per the procedure has been prescribed in the Act itself for eviction of the petitioner. It is submitted that as on date, no proceedings have been initiated to establish the facts that the petitioner is an unauthorized occupant and he is liable to be evicted.

10. I have perused the judgements referred to hereinabove and I find that the facts and

issues raised in the present writ petition are more or less identical to the facts and issues raised in the aforesaid two writ petitions.

11. In view of the above, following the aforesaid two judgements of this Court, this writ petition is disposed of directing the respondent no. 3 i.e. Deputy Commissioner, West Kameng District, Bomdila, Arunachal Pradesh to issue the required No Objection Certificate [NOC] to the petitioner within a period of thirty days from the date of receipt of a certified copy of this order. All the respondents also are collectively directed to facilitate payment of pensionary benefits to the petitioner within three months from the date of receipt of No Objection Certificate [NOC] from the petitioner.

12. Liberty stands reserved to the respondents to take such action against the petitioner as may be considered appropriate in respect of any unauthorized occupation of public premises under the provisions of the Arunachal Pradesh Public Premises [Eviction of Unauthorised Occupants] Act, 2003 or builder/owner of a building/house constructed in violation of any Building Rules or any other Acts/Rules in force, in accordance with law.

13. In terms of the above observations and directions, the present writ petition stands disposed of.

JUDGE

Comparing Assistant