

WP(C). No.106/2016

BEFORE
THE HON'BLE MR. JUSTICE S.R.SEN

29-11-2016

Heard learned counsel for the petitioner, Ms. P.Agarwal who submits that after going through the affidavit filed by the respondents annexing the annexure -1, it appears that respondents are ready to pay the pension as well as other pensionary benefits to the petitioner, so necessary order maybe passed to released the amount as early as possible.

Learned CGC, Mr. K.Paul appeared for and on behalf of the respondents and submits that the respondents – Assam Rifles has already released the pension including the pensionary benefits in favour of the petitioner w.e.f. 01-06-2015 which is the date of retirement of the petitioner. However, they are not in a position to give any benefit for the excess period served under the interim order of this Court other than regular salary which has also already been paid. For ready reference, para 4 of the affidavit is reproduced herein below for ready reference:

“4. That it is further stated that after dismissal of the writ petition, the individual was released from service on 28.03.2016 and salary for excess service rendered by him on the strength of interim order passed in WP(C) No. 102/2015 has been fully paid to him which the department intended to affect the recovery. The service rendered on the basis of interim order of the Hon'ble High Court cannot be taken into consideration for computation of pension as the writ petition No. 102/2015 stands dismissed. The petitioner stands retired from service w.e.f. actual date of retirement i.e. 01.06.2015, therefore, all pensionary benefits for his Retiring Pension w.e.f. 01.06.2015 have been granted to him vide Pension Payment Order No. 23498-1608403.”

If it is so, then there survives nothing to address further. However, respondents are directed to deposit all the financial benefit to the account of the petitioner within 15(fifteen) days from today. With this observation and direction, the petition is allowed to that extent and stands disposed of.

JUDGE

S.Rynjah