

GAHC010018532023



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

Case No. : WP(C)/542/2023

KOUSHIK KUMAR NATH
S/O- KSHITISH CH. NATH,
RETD ASSISTANT TEACHER OF KALAIN H.S SCHOOL, KALAIN, CACHAR,
R/O- VILL- BRAHMAN GRAM, P.O- KALAIN, DIST- CACHAR, ASSAM, PIN-
788815

VERSUS

THE STATE OF ASSAM AND 4 ORS
REP. BY THE SECRETARY TO THE GOVT. OF ASSAM , DEPARTMENT OF
SCHOOL EDUCATION (SECONDRY) DISPUR, GHY-6

2:THE DIRECTOR OF SECONDARY EDUCATION

ASSAM
KAHILIPARA GUWAHATI-19

3:THE INSPECTOR OF SCHOOLS
CDC
SILCHAR

P.O- SILCHAR
DIST- CACHAR
ASSAM
PIN-788001

4:THE PRINCIPAL
KALAIN H.S SCHOOL
KALAIN

DIST- CACHAR
ASSAM

PIN-788815

5:THE COMMISSIONER AND SECRETARY
TO THE GOVERNMENT OF ASSAM

DEPARTMENT OF FINANCE
DISPUR
GUWAHATI-78100

Advocate for the Petitioner : MR. S SUTRADHAR

Advocate for the Respondent : SC, SEC. EDU.

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 03.02.2023

Heard Mr. B. Purkayastha, learned counsel appearing for the petitioner, Mr. B. Koushik, learned counsel appearing on behalf of the respondent nos.1 to 4 and Mr. R. Borpujari, learned counsel appears on behalf of respondent no.5.

2. The instant writ petition has been taken up for disposal at the motion stage itself.

3. The case of the petitioner herein is that the petitioner was placed under suspension by the Inspector of Schools, C.D.C., Silchar vide order dated 23.07.2020 with immediate effect on the basis of some allegations pertaining against him, for which an FIR was lodged in the Katigorah Police Station, which was registered as Katigorah P.S. Case No. 463/2020. However, subsequently the petitioner was reinstated with effect from 10.12.2020 on the basis of the order issued by the Inspector of Schools, C.D.C., Silchar dated 25.08.2022 and the period of suspension has been treated as on duty. At this stage, it is relevant to

mention that the petitioner had retired from service on 31.03.2021. However, the respondent authorities have not paid the arrear salary of the petitioner for the period from 23.07.2020 to 10.12.2020.

4. It further appears from the record that the respondent no.4, i.e. the Principal of Kalain H.S. School has also given the non-drawal certificate to the effect that the petitioner have not drawn the arrear salary for the period of suspension w.e.f. 23.07.2020 to 10.12.2020 and the other period w.e.f. 01.07.2020 to 22.07.2020 for the purpose of E.B. crossing due to stagnation period and total arrear amount of the petitioner, to which the petitioner is entitled to is Rs.2,43,494/-. It further appears that the Inspector of Schools, C.B.C, Silchar have also forwarded the proposal by the Principal of Kalain H.S. School regarding arrear salary of the petitioner on 03.09.2022 to the Director of Secondary Education, Assam. However, till date, as the petitioner has not received the said payment, the petitioner has approached this Court by filing this writ petition under Article 226 of the Constitution of India.

5. The fact that the petitioner is entitled to his arrear salary for the period during his suspension from 23.07.2020 to 10.12.2020 and the other period from 01.07.2020 to 22.07.2020 for the purpose of E.B. crossing due to stagnation period, i.e. totaling to Rs.2,43,494/- is not in issue. The only issue involved herein is that there is a delay on part of the respondent authorities in making the said payment. Accordingly, this Court disposes of the instant writ petition with a direction to the Director of Secondary Education, Assam to verify the claim of the petitioner on the basis of a certified copy of the instant order being submitted to the Director of Secondary Education and thereupon, if it is found that the petitioner is entitled to, the said payment be made within a period of 3 (three) months from the date a certified copy of the instant order is

served upon the Director of Secondary Education, Assam.

6. With the above observations and directions, the instant writ petition stands disposed of.

JUDGE

Comparing Assistant