

GAHC010035292023



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

Case No. : WP(C)/987/2023

RAJIB BARO
S/O- LT. BEGAT BARO @ BEGET BORO, R/O- SIMLA TUKURAKUCHI, P.O.
SIMLA, DIST.- BAKSA, ASSAM

VERSUS

THE STATE OF ASSAM AND 7 ORS
REP. BY THE COMM. AND SECY., GOVT. OF ASSAM, PUBLIC WORKS
(ROADS) DEPTT., DISPUR, GHY-6

2:THE COMM. AND SECY.
FINANCE DEPTT.
DISPUR
GHY-6
ASSAM

3:ACCOUNTANT GENERAL (A AND E)
ASSAM
MAIDANGAON
BELTOLA
GHY-29

4:THE CHIEF ENGINEER
PWD (ROADS)
CHANDMARI
GHY-3 (AUDIT BRANCH)

5:ADDL. CHIEF ENGINEER
PWD
BTC
KOKRAJHAR

6:DEPUTY COMMISSIONER
BAKSA DISTRICT
MUSHALPUR

7:THE TREASURY OFFICER
MUSHALPUR TREASURY
MUSHALPUR

8:EXECUTIVE ENGINEER
PWD
MUSHALPUR (R AND B) DIVISION
MUSHALPUR
BAKS

Advocate for the Petitioner : MR. B K BHAGAWATI

Advocate for the Respondent : SC, PWD

BEFORE

HON'BLE MR. JUSTICE DEVASHIS BARUAH

27.02.2023

Heard Mr. B. S. Chakraborty, the learned counsel appearing on behalf of the petitioner and Mr. R. Dhar, the learned counsel appearing on behalf of the respondent Nos.1, 4 & 8. Also heard Mr. R. Borpujari, the learned counsel appearing on behalf of the respondent Nos.2 & 7; Mr. S. K. Medhi, the learned counsel appearing on behalf of the respondent No.3; Mr. S. R. Rabha, the learned counsel appearing on behalf of the respondent No.5 as well as Mr. T. C. Chutia, the learned counsel appearing on behalf of the respondent No.6.

The case of the petitioner in brief is that his father Begat Boro (since deceased) was a Grade-IV Regular Labour in the Office of the Executive Engineer, PDW, Mushalpur (R&B) Division, Mushalpur. His father died in

harness on 16.11.2019 leaving behind his two sons, i.e. the petitioner and one Sanjib Boro and one unmarried sister. However, it is relevant to take note of that in the Next of Kin certificate issue by the Office of the Deputy Commissioner, Baksa, the petitioner and his brother Sanjib Boro have been shown as the Next of Kin of Late Begat Boro.

The instant writ petition is on a very limited aspect. It is the case of the petitioner that the total DCRG to which the father of the petitioner was entitled to was an amount of Rs.4,09,538/-. Out of the said amount, an amount of Rs.3,68,584/- has already been disbursed in the year 2021 itself. However, the remaining amount of Rs.40,954/- has not been paid. The petitioner has, therefore, approached the authorities but the authorities on some technical grounds to the effect that the Office of Accountant General (A&E), Assam has not mentioned about the status of the family pension, the remaining 10% of the DCRG have not been released.

I have heard Mr. S. K. Medhi, the learned Standing Counsel appearing on behalf of the Accountant General (A&E), Assam who submitted that in terms with the communication dated 16.04.2021, the Treasury Officer, Mushalpur, i.e. the respondent No.7 has already been directed for payment of the total amount of Rs.4,09,538/- which includes the provisional pension of Rs.3,68,584/- and as such it is the Treasury Officer, Mushalpur who needs to take appropriate steps in the matter without further reference to the Office of the Accountant General (A&E), Assam.

Upon hearing the learned counsels for the parties it appears from Annexure-6 to the instant writ petition that the Rs.4,09,538/- has already

been approved for disbursement by the Senior Accounts Officer of the Office of the Accountant General (A&E), Assam with a request to the Treasury Officer, Mushalpur to make arrangement for payment of the said amount. It is admitted that an amount of Rs.3,68,584/- has already been paid to the petitioner as provisional DCRG and this Court finds no reason as to why the amount of Rs.40,954/- should not also be disbursed by the respondent No.7 to the petitioner.

Accordingly, this Court, therefore, disposes of the writ petition with a direction to the Treasury Officer, Mushalpur to disburse the amount of Rs.40,954/- which is the remaining of the DCRG of Late Begat Boro to the petitioner within 30 (thirty) days from a date a certified copy of the instant order is served upon the respondent No.7 along with a copy of the instant writ petition.

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

JUDGE

Comparing Assistant