

GAHC010095292023



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

Case No. : WP(C)/2519/2023

MD. ANUWAR HUSSAIN FARUKI
S/O- ABDUL AHAD,
R/O- VILLAGE JARAMARI,
P.O- BALISATRA,P.S- DHING, NAGAON, PIN-782122

VERSUS

THE STATE OF ASSAM AND 2 ORS
REP. BY THE COMMISSIONER AND SECRETARY, TO THE GOVERNMENT
OF ASSAM, ELEMENTARY EDUCATION DEPARTMENT, DISPUR,
GUWAHATI-06.

2:THE DIRECTOR
ELEMENTARY EDUCATION DEPARTMENT
KAHILIPARA
GUWAHATI-19

3:THE DISTRICT ELEMENTARY EDUCATION OFFICER
NAGAON
PIN-782001
ASSA

Advocate for the Petitioner : MR P BHARDWAJ

Advocate for the Respondent : SC, ELEM. EDU

Linked Case : WP(C)/3811/2021

ANUAR SADAT
S/O LATE SYEDUZZ ZAMAN

RESIDENT OF VILLAGE HATIMURIA

PO SALKATI VIA MOIRABARI
PS MOIRABARI
DIST MORIGAON
ASSAM 782126

VERSUS

THE STATE OF ASSAM AND 2 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM
ELEMENTARY EDUCATION DEPARTMENT
DISPUR
GUWAHATI
781006
ASSAM

2:THE DIRECTOR
ELEMENTARY EDUCATION DEPARTMENT
KAHILIPARA
GUWAHATI
781019
3:THE DISTRICT ELEMENTARY EDUCATION OFFICER

MORIGAON
ASSAM
782105

Advocate for : MR P BHARDWAJ
Advocate for : SC
EDU appearing for THE STATE OF ASSAM AND 2 ORS

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 12.05.2023

Heard Mr. P. Bhardwaj, the learned counsel appearing on behalf of the petitioners in both the writ petitions. Mr. N.J. Khataniar, the learned Standing Counsel appears on behalf of the Elementary Education Department.

2. As both the writ petitions involve similar facts and common questions of law, both the writ petitions are taken up for disposal together. Both the writ petitions

relates to claim of the arrear incremental benefits to the petitioners from the date of their regularisation.

3. In W.P.(C) No. 3811/2021, the petitioner herein was regularised on 24/4/1998 whereas in W.P.(C) No. 2519/2023 the petitioner was regularised on 1/4/1999. In W.P. (C) No. 3811/2021 the petitioner is claiming the incremental benefits of an amount of Rs.11,97,740 w.e.f. 24/4/1998 to 28/2/2019 and in W.P.(C) No. 2519/2023, the petitioner is claiming the arrear incremental benefit of an amount of Rs. 11,91,785/- for the period 1/4/1999 to 28/2/2019.

4. It appears on record that in both the writ petitions the District Elementary Education Officer had issued communications to the Director of Elementary Education for payment of the arrear incremental benefits to the tune of Rs. 11,97,740/- vide communication dated 21/1/2021 in W.P.(C) No. 3811/2021 and in W.P.(C) No. 2519/2023, the amount of Rs.11,91,785/- vide a communication dated 4/1/2021.

5. It is the grievance of the petitioners in both the writ petitions inspite of such letters being issued by the District Elementary Education Officer, the Director of Elementary Education have not taken any steps in that regard for the last 2 years and consequently the petitioners have been deprived of their arrear incremental benefits.

6. Mr. N.J Khataniar, the learned Standing Counsel appearing on behalf of the Elementary Education Department submits that the instant writ petitions can be disposed off with a direction to the Director of Elementary Education Department to make necessary verification and then to release the payment, if it is found that the petitioners are entitled to the incremental benefits.

7. Taking into account the facts involved as well as the submission of Mr. N.J. Khataniar, the learned Standing Counsel, this Court in the interest of justice disposes of both the writ petitions with a direction to the Director of Elementary Education Department to make necessary verification as deemed fit in respect to the communication forwarded by the District Elementary Education Officer dated

21/1/2021 in the case of the writ petitioner in W.P.(C) No. 3811/2021 and communication dated 4/1/2021 as regards the writ petitioner in W.P.(C) No. 2519/2023 and thereupon if it is found that the petitioners are entitled to the said amounts, the same be released to the petitioners.

8. The said exercise be completed within a period of three months from the date a certified copy of the instant order is served by the respective petitioners to the Director of Elementary Education Department.

JUDGE

Comparing Assistant