

GAHC010109232020



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

**Case No. : WP(C)/3243/2020**

BHABENDRA NATH SAIKIA  
S/O. LT. UMA KANTA SAIKIA, RTD. ADDL. DIRECTOR (INPUT) OF  
AGRICULTURE, ASSAM R/O. MIDDLE CHOWKIDINGI, MATCH FACTORY  
LANE, P.O., P.S. AND DIST. DIBRUGARH, ASSAM, PIN-786001.

VERSUS

THE STATE OF ASSAM AND 14 ORS.  
REP. BY THE COMM. AND SECY., TO THE GOVT. OF ASSAM, DEPTT. OF  
AGRICULTURE, ASSAM CIVIL SECRETARIAT, DISPUR, GUWAHATI, ASSAM,  
PIN-781006.

2:THE DIRECTOR OF AGRICULTURE OF ASSAM

GS ROAD  
KHANAPARA  
GUWAHATI  
ASSAM  
PIN-781022.

3:THE ADDL. DIRECTOR OF AGRICULTURE

HAFLONG  
UNDER DIMA HASAO AUTONOMOUS COUNCIL  
DIST. DIMA HASAO  
ASSAM.

4:THE JOINT DIRECTOR OF AGRICULTURE

(ER) JORHAT  
DIST. JORHAT  
ASSAM

THE DIST. AGRICULTURAL OFFICER  
TINSUKIA  
DIST. TINSUKIA  
ASSAM.

5:THE JOINT DIRECTOR OF AGRICULTURE

TINSUKIA  
DIST. TINSUKIA  
ASSAM.

6:THE DY. DIRECTOR

HORTICULTURE  
LAKHIMPUR  
DIST. LAKHIMPUR  
ASSAM.

7:THE DY. DIRECTOR OF AGRICULTURE

HAFLONG  
UNDER DIMA HASAO AUTOMOMOUS COUNCIL  
DIST. DIMA HASAO  
ASSAM.

8:THE DIST. AGRICULTURE OFFICER

DIBRUGARH  
DIST. DIBRUGARH  
ASSAM.

9:THE DIST. AGRICULTURAL OFFICER

MORIGAON  
DIST. MARIGAON  
ASSAM.

10:THE DISTRICT AGRICULTURAL OFFICER

SONARI  
DIST. CHARAIDEO  
ASSAM.

11:THE SUB-DIVISIONAL AGRICULTURAL OFFICER

MARGHERITA  
DIST. TINSUKIA  
ASSAM.

12:THE SUB-DIVISIONAL AGRICULTURAL OFFICER

TITABOR  
DIST. JORHAT  
ASSAM.

13:THE ACCOUNTANT GENERAL

ASSAM  
(A AND E)  
ASSAM MAIDAMGAON  
BELTOLA  
GUWAHATI  
ASSAM  
PIN-781029.

14:THE COMMISSIONER AND SECRETARY

TO THE GOVT. OF ASSAM  
DEPTT. OF FINANCE  
ASSAM CIVIL SECRETARIAT  
DISPUR  
GUWAHATI  
ASSAM  
PIN-781006.

15:THE COMMISSIONER AND SECRETARY

TO THE GOVT. OF ASSAM  
DEPTT. OF PENSION AND PUBLIC GRIEVANCE  
ASSAM CIVIL SECRETARIAT  
DISPUR  
GUWAHATI  
ASSAM  
PIN-781006

**Advocate for the Petitioner** : MR. A K DUTTA

**Advocate for the Respondent** : GA, ASSAM

**BEFORE**  
**HON'BLE MR. JUSTICE DEVASHIS BARUAH**

15.03.2023

Heard Mr. B. Purkayastha, the learned counsel for the petitioner and Ms. R. Borah, the learned Standing Counsel, Agriculture Department, Government of Assam. Also heard Mr. R. K. Talukdar, the learned counsel appearing on behalf of the Accountant General (A&E) as well as Mr. C. H. Hazarika, the learned counsel for the State respondents.

On 14.12.2022, the learned Standing Counsel, Agriculture Department had submitted that the proposal for the petitioner's arrear salary has been received on 07.12.2022 and it would take around three months from that date to be processed.

In view of the said submission, this Court had fixed the matter today on 15.03.2023 and the learned Standing Counsel, Agriculture Department was to apprise this Court as regards the payment of the arrear salary to the petitioner.

The case of the petitioner in brief is that the petitioner is entitled to an amount of Rs.13,27,294/- as arrear salary for the period from September, 2012 to 31.07.2014 while the petitioner was serving as the Additional Director of Agriculture, Dima Hasao. It is also the further case of the petitioner that the petitioner has not received the GIS amount.

The learned Standing Counsel, Agriculture Department submits that there is no denial to the fact that the petitioner is entitled to the amount for the arrear salary for the said period and as such the writ petition can be disposed of with the direction to the respondent authorities to make the

payment within a period of three months from today.

Taking into account the said submission made by the learned Standing Counsel, Agricultural Department, this Court therefore disposes of the writ petition with a direction to the respondents in the Agricultural Department to take appropriate steps in the matter for disbursal of the arrear salary of the petitioner to which he is entitled to for the period from September, 2012 to 31.07.2014. The respondents in the Agricultural Department shall also take appropriate steps for payment of the GIS amount to which the petitioner is entitled to.

In that regard, if necessary, the respondents in the Agriculture Department shall take appropriate steps for obtaining necessary approval from the Finance Department of the Government of Assam.

The said exercise be carried out within a period of three months from the date a certified copy of the instant order is served upon the Commissioner & Secretary to the Government of Assam, Agriculture Department.

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

**JUDGE**

**Comparing Assistant**