

GAHC010111032023



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

Case No. : WP(C)/2957/2023

DIGANTA KR BARUAH
S/O- LATE MAHESWAR BARUAH,
RESIDENT OF BISHNUNAGAR PANJABARI
P.S.- SATGAON, DIST.- KAMRUP(M),
ASSAM.

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM,
URBAN DEVELOPMENT DEPARTMENT,
DISPUR, GUWAHATI-6.

2:THE ASSAM STATE HOUSING BOARD
RG BARUAH ROAD

GUWAHATI- 781005.

3:THE CHAIRMAN
ASSAM STATE HOUSING BOARD
RG BARUAH ROAD
GUWAHATI- 781005.

4:THE COMMISSIONER
ASSAM STATE HOUSING BOARD
RG BARUAH ROAD
GUWAHATI- 781005.

5:THE CHIEF ACCOUNTS OFFICER/ FINANCE AND ACCOUNTS OFFICER
ASTC
ASSAM STATE HOUSING BOARD

RG BARUAH ROAD
GUWAHATI- 781005

Advocate for the Petitioner : MR. A AHMED

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

Date : 20/12/2023

Heard Mr. Mr. A. Ahmed, learned counsel for the petitioner. None appears for the Housing Board.

2. The matter is called up for the second time requesting the learned counsel for the petitioner to intimate the learned standing counsel appearing for the Housing Board. At the second call the learned counsel for the petitioner submits that he had attempted to call the learned standing counsels but there was no response and consequently he had sent a sms message to the concerned counsels. However, none appears for the respondent/Housing Board on second call.

3. As such the Court has requested Mr. C.S. Hazarika, learned Government Advocate to appear on behalf of the Housing Board.

4. The claim of the petitioner in this writ petition is limited to the extent that he is entitled to CPF, Gratuity and leave salary as the petitioner superannuated on 31.03.2022 from his service as a regular employee under the Assam State Housing Board. The authorities had sanctioned some amount and the petitioner has received the CPF amount of Rs.14,03,946/- however the balance amount of

gratuity and leave salary comprising of Rs.5,93,398 and Rs.4,41,245/- respectively has not been released.

5. The petitioner is suffering from medical ailments and requires urgent medical check-up and treatment for which has dire need of money and inspite of request made this amount due to the petitioner has not been released.

6. The respondents have filed their counter affidavit where there is a categorical admission that the petitioner was sanctioned an amount of Rs.24,38,589/- as retirement dues against the CPF, leave salary and gratuity and out of the said amount Rs.14,03,946/- has been paid to the petitioner. The balance of Rs.10,34,643/- is left to be paid.

7. The Housing Board in its affidavit has made an averment that because of poor financial condition the amount could not be released.

8. It is stated in the affidavit that an amount of Rs.80,000/- will be paid on or before 07.08.2023 as the first installment and the remaining amount of Rs.9,54,643/- shall be paid in equal monthly installments basis for one year, which is $\text{Rs.}79554.00 \times 12 = \text{Rs.}9,54,643.00$ on or before 07th of each of the succeeding month.

9. Mr. A. Ahmed, learned counsel for the petitioner submits that inspite of categorical averments the Housing Board has not released the amounts.

10. Having heard the learned counsel for the petitioner and also Mr. C.S. Hazarika, learned Government Advocate, who has been furnished with a copy of the pleadings and who submits that the affidavit indeed reflects the above position, this Court is of the view that the writ petition should be closed with a direction to the respondent, Housing Board to release the amount as projected in their affidavit at paragraph 5.

11. Accordingly, the said amount shall be released in the following manner by 07th of January, 2024, the first installment of Rs.80,000/- to be released and thereafter the amount of Rs.79,554/- in 12 installment shall be released every month on or before the 7th of each of succeeding month.
12. The writ petition is accordingly stands disposed of in terms of the above.
13. A copy of this order be marked to the office of the Senior Government Advocate for communication to the Housing Board, as directed.
14. The petitioner is also give a liberty to file appropriate application along with a certified copy of this order.

JUDGE

Comparing Assistant