

GAHC010155242021



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

Case No. : WP(C)/5110/2021

DULAL CH DAS
S/O LATE GULUK DAS, R/O VILL. BAMGAON, P.O.GOHAINGAON, P.S.
DHEMAJI, DIST. DHEMAJI, ASSAM.

VERSUS

THE STATE OF ASSAM AND 2 ORS
REPRESENTED BY THE COMMISSIONER AND SECY. TO THE GOVT. OF
ASSAM, WATER RESOURCES DEPTT., DISPUR, GUWAHATI 06

2:THE CHIEF ENGINEER

WATER RESOURCES DEPTT.
GUWAHATI -3
ASSAM.

3:THE EXECUTIVE ENGINEER

DHEMAJI
WATER RESOURCE DIVISION
DHEMAJI
PIN 78705

Advocate for the Petitioner : MR A ALI

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

Date : 13/09/2023

Heard Mr. T.K. Bhuyan, learned counsel for the petitioner. Also heard Mr. B. Goswami, learned Additional Advocate General.

2. This writ petition is filed by the petitioner who is aggrieved by the non release of the 50% of the arrear salaries which is stated to be payable to the petitioner during the period he was under suspension. The petitioner submits that by order dated 13th July 2012, petitioner was working as Sub-Engineer, Grade-II in the office of the Executive Engineer, Dhemaji Water Resources Division, was placed under suspension with effect from 22.06.2012 until further orders pending drawal of Departmental Proceedings. This suspension order, according to the petitioner was issued as the petitioner was arrested in connection with a criminal case. Subsequently, by order dated 12.02.2014 petitioner was reinstated in service. During the period of suspension he was paid his subsistence allowance. Subsequently, the petitioner superannuated on 28.02.2019. By office order dated 04.06.2019 sanction for Provisional Pension was accorded to the petitioner. The grievance of the petitioner is that in the criminal case which was filed against him and because of which he was placed under suspension and although he had been acquitted by the trial court, his arrear of 50% salary due to him during the period of his suspension has not been released till date.

3. Consequently, it is his claim that since the only ground for putting the petitioner under suspension is the pendency of a criminal case where

subsequently he has been acquitted and the judgment has attained finality, the release of 50% of his salary during the period of his suspension be directed by the respondent authority.

4. Mr. B. Goswami, learned Additional Advocate General for the respondents submits that there is already a proposal which is under consideration of the department for regularizing the period of suspension and thereby consequential orders for release of balance arrear of 50% will be passed by the department.

5. Having heard the learned counsels for the parties, this Court is of the view that this writ petition can be closed with a direction to the respondent authorities to expeditiously process the proposal stated to be pending before the department for regularization of the period of suspension of the petitioner. Once the period of suspension is regularized, the arrear of 50%, of salary during the period of suspension, according to the petitioner, be released without further delay.

6. With the above observation, the writ petition stands closed. The directions of this court be carried out as expeditiously as possible within the outer limit of 60 (sixty) days from the date of receipt of the certificate copy of this order. Petitioner will furnish a certificate copy of the order before the competent authorities.

7. Writ petition stands disposed of.

JUDGE

Comparing Assistant