GAHC010175812023

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

Case No. : WP(C)/4594/2023

CHENIRAM ENGTI @ CHENI RAM ENGTI
SON OF LATE SANGREK ENGTI, RESIDENT OF VILLAGE- RONGBONG TIMUNG GAON, POST OFFICE- DIPHU, DISTRICT- KARBI ANGLONG, ASSAM

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY, GOVERNMENT OF ASSAM, SOIL CONSERVATION DEPARTMENT, DISPUR, GUWAHATI-6

2:FINANCE DEPARTMENT
REPRESENTED BY THE COMMISSIONER AND SECRETARY
GOVERNMENT OF ASSAM
DISPUR
GUWAHATI-6

3:THE DIRECTOR OF SOIL CONSERVATION
ASSAM BHUMI SANGRAKSHAN BHAWAN 1ST FLOOR
R.G.BARUA ROAD
GUWAHATI
ASSAM- 781005

4:THE ASSAM PLANTATION CROPS DEVELOPMENT CORPORATION LTD.
OPPOSITE SARUSAJAI NATIONAL COMPLEX
SAWKUCHI
NATIONAL HIGHWAY-37
LAKHARA
GUWAHATI- 781034
ASSAM
REPRESENTED BY ITS MANAGING DIRECTOR

5:THE MANAGING DIRECTOR
ASSAM PLANTATION CROPS DEVELOPMENT CORPORATION LTD.

OPPOSITE SARUSAJAI NATIONAL COMPLEX
SAWKUCHI
NATIONAL HIGHWAY-37
LAKHARA
GUWAHATI- 781034
ASSA

Advocate for the Petitioner : MR B BORA

Advocate for the Respondent : SC, FINANCE

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

30/08/2023

Heard Mr. B Bora, learned counsel for the petitioner and Ms. A Das, learned counsel appearing on behalf of Ms. R S Deuri, learned Standing counsel, Soil Conservation Department for the respondent Nos. 1, 3, 4 & 5. Also heard Mr. P Nayak, learned Standing counsel, Finance Department for the respondent No. 2.

2. Petitioner, a Field Supervisor of the Assam Plantation Crops Development Corporation Limited retired from service on 30.07.2021 on attaining the age of superannuation at 60 years. However, on his retirement, the respondent corporation did not pay him the retirement benefits including the leave encashment as well as the gratuity benefits.

3. During the deliberation of the matter, Mr. Bora, learned counsel for the petitioner by placing a copy of the order of the Court dated 09.01.2017 passed in WP(C) No. 1447/2014 submitted that earlier 30 such retired employees of the respondent corporation by forming an association approached this Court by preferring the said writ petition WP(C) No. 1447/2014 praying for a direction to the respondent corporation to pay them the gratuity and the leave encashment benefit on their retirement and the Court after hearing the learned counsels for the parties as well as the concerned corporation by an order dated 09.01.2017 disposed of the said WP(C) No. 1447/2014 directing the respondent corporation to adopt a pragmatic approach in the matter and to take all necessary steps for payment of retirement dues to the said petitioners association within a period of 90 (ninety) days from the date of the said order.

4. Mr. Bora, learned counsel for the petitioner has also placed a copy of the communication

dated 03.06.2023 issued by the Managing Director of the respondent corporation informing the Director of Soil Conservation, Assam that 25 nos. of employees of the said corporation have already retired, out of which some of them have also expired but they have not been paid any financial benefit from the side of the corporation towards their leave encashment as well as gratuity benefits amounting to Rs.1,88,28,506/- and accordingly requested the said Director to make necessary supplementary budget for the financial year 2023-2024 for that purpose.

5. The petitioner on 31.05.2023 submitted a representation before the Managing Director of the Assam Plantation Crops Development Corporation Limited praying for his gratuity and leave encashment benefits being a retired employee of the respondent corporation.

6. After hearing the learned counsels for the parties, this writ petition is disposed of directing the Managing Director of the Assam Plantation Crops Development Corporation Limited to dispose of the said representation of the petitioner dated 31.05.2023 that was received by the office of the Managing Director of the respondent Corporation on 31.05.2023, by a speaking order, intimating the petitioner about the outcome of his said representation.

7. Petitioner shall furnish a certified copy of this order along with a copy of his said representation dated 31.05.2023 before the Managing Director of the Assam Plantation Crops Development Corporation Limited including a copy of this writ petition and the Annexures appended thereto, obtaining necessary acknowledgment from the said authority in that regard.

8. Such speaking order shall be passed by the Managing Director of the Assam Plantation Crops Development Corporation Limited within a period of 60 (sixty) days from the date of receipt of the certified copy of this order to be submitted by the petitioner.

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

JUDGE

Comparing Assistant