

GAHC010188382018



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

Case No. : Cont.Cas(C)/378/2018

ANIMA MAHELA
W/O. LT. BALENDRA RAMCHIARY, R/O. LAKSHI NAGAR, HAIBARGAON,
DIST. NAGAON, ASSAM-782002.

VERSUS

J. B. EKKA AND 2 ORS.
PRINCIPAL SECRETARY, TO THE GOVT. OF ASSAM, PANCHAYAT AND
RURAL DEVELOPMENT DEPTT., DISPUR, GHY.-06.

2:P ASHOK BABU

COMMISSIONER TO THE GOVT. OF ASSAM
PANCHAYAT AND RURAL DEVELOPMENT DEPTT.
DISPUR
GHY.-06.

3:DAMANYATI PEGU

DEPUTY SECRETARY TO THE GOVT. OF ASSAM
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT

Advocate for the Petitioner : MR. U K NAIR

Advocate for the Respondent : MS. A VERMA (R1)

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

Date : 23/08/2023

Heard Mr. M. P. Sarma, learned counsel for the petitioner. Also heard Ms. S. Khanikar, learned counsel appears for respondent No.1.

2. This contempt petition has been filed by the petitioner alleging willful and deliberate disobedience of the directions contained in the order dated 02.11.2017 passed in WP(C) No. 328/2017, whereby it was directed that the pensionary benefits to the legal representative of Late Balendra Ramchiary should be processed by the state respondents as per law within a period of 6 (six) months from the date of receipt of the certificate copy of the order. The relevant portion of the order is extracted below:-

3. By the said order following directions were made:-

“Date of Order: 02/11/2017

In view of the order passed today in IA(C) 2631/2017, Smti. Anima Mahela has been allowed to substitute the writ petitioner, Balendra Ramchiary, who expired on 4.7.2017.

Registry to make necessary correction to the cause title.

Mr. UK Nair, learned senior counsel for the writ petitioner submits that in view of the death of the original writ petitioner, Balendra Ramchiary, the departmental proceeding initiated against him vide show cause notice dated 18.9.2010 and 20.9.2010 have to be treated to be abated.

Mr. SR Baruah, counsel for the State respondents also admits to the fact that if the

delinquent officer has expired prior to completion of the departmental proceeding, then the entire departmental proceeding stands abated. In view of the submissions of the counsels for the parties and as there is no denial of the fact that the original writ petitioner, Balendra Ramchiary has expired on 4.7.2017, the departmental proceeding initiated against him stands abated, provided no final decision has been made by the disciplinary authority before he expired. It is needless to observe that the suspension order passed on 30.5.2009 against the delinquent officer will not survive in view of the death of the delinquent officer. The pensionary benefits to be paid to the legal representative of Late Balendra Ramchiary shall be processed by the State respondents as per law within a period of 6 (six) months from the date of receipt of a certified copy of this order. The writ petition is accordingly disposed of.”

4. Today when the matter is called up Ms. S. Khanikar, the learned counsel appearing for the respondent No.1 submits that the directions contained in the order dated 02.11.2017 passed in WP(C)/328/2017 has been complied with.
5. Upon due perusal of the documents placed before the Court, it is seen that cash equivalent of leave salary of the petitioner was sanctioned on 16.09.2019. By order dated 29.10.2018 the Provisional Family Pension in favour of the petitioner has been sanctioned. The Compassionate Family Pension in respect of the petitioner was sanctioned by order dated 31.12.2019. The GIS accumulated savings was issued on 04.05.2020.
6. In that view of the matter, the directions contained in the Order dated 02.11.2017 passed in WP(C)/328/2017 stands complied with. This position is not disputed by the learned counsel appearing for the petitioner.
7. Copies of the relevant orders passed are retained in the case record.
8. Accordingly, this contempt petition stands closed.

9. Notices issued are re-called.

JUDGE

Comparing Assistant