

GAHC010194322023



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

Case No. : Cont.Cas(C)/538/2023

DEEPA BARUAH
W/O- LATE CHITRA MEDHI,
PRINCIPAL OF KUJIDAH H.S SCHOOL,
R/O- SATI RADHIKA ROAD,
P.O- HAIBARGAON, DIST- NAGAON, ASSAM

VERSUS

NARAYAN KONWAR AND 2 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, SCECONDARY EDUCATION DEPARTMENT, DISPUR,
GUWAHATI-6.

2:MAMATA HOJAI
DIRECTOR OF SECONDARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI
DIST. KAMRUP(M)
ASSAM
PIN- 781019.

3:MRIDUL KUMAR NATH
INSPECTOR OF SCHOOLS
NAGAON DISTRICT CIRCLE
NAGAON-78200

Advocate for the Petitioner : MR A C BORBORA

Advocate for the Respondent : MR S M T CHISTIE

**BEFORE
HONOURABLE MR. JUSTICE ACHINTYA MALLA BUJOR BARUA**

Date : 17-10-2023

JUDGMENT & ORDER (ORAL)

Heard Mr. AC Borbora, learned senior counsel for the petitioner. Also heard Mr. SMT Chistie, learned counsel for the respondent contemnors.

2. Pursuant to our earlier order dated 16.10.2023, Sri Narayan Konwar, Secretary, Department of School Education, Government of Assam as well as Smti. Momota Hojai, Director of Secondary Education Assam are present before the Court *inasmuch as* the pension papers of the petitioner could not be processed. The Secretary in the Department of School Education and the Director of Secondary Education Assam have produced a communication dated 16.10.2023 from the Principal In-Charge of Kujidah Higher Secondary School made to the Inspector of Schools, Nagaon that the contempt petitioner Deepa Baruah has not submitted her service book and other pension related documents/ particulars to the Principal In-Charge. According to the Secretary and the Director, in order to process the pension paper of the petitioner, the aforesaid documents are necessary.

3. On the other hand, Mr. AC Borbora, learned senior counsel for the contempt petitioner states that the service book is already in the custody of the Principal In-Charge of the school concerned and, therefore, it is up to the said

Officer to do so. If it is so, the petitioner may submit appropriate application before the Principal In-Charge for doing the needful.

4. In view of the materials produced, we see no willful and deliberate violation of the order dated 07.06.2023 in WP(C)No.184/2019 either by the Secretary, Department of School Education, Government of Assam or by the Director of Secondary Education Assam and accordingly the personal appearances of Sri Narayan Konwar, Secretary, Department of School Education, Government of Assam as well as Smti. Momota Hojai, Director of Secondary Education Assam are dispensed with for the present and the contempt notices issued against them also stand discharged.

5. Mr. AC Borbora, learned senior counsel further points out to the order dated 27.06.2023 of the Director of Secondary Education Assam by which an amount of Rs.1,34,027/- had been sanctioned in favour of the contempt petitioner, Deepa Baruah being the savings fund money and further the order dated 07.07.2023 of the same authority by which an amount of Rs.97,060/- was sanctioned towards 34% of dearness allowance. The Secretary as well as the Director upon verification of the records make a statement before the Court that the aforesaid sanctioned orders had already been transmitted to the Treasury Officer, Nagaon and the matter is presently pending before the Treasury Officer.

6. In the circumstance, we requested the presence of Mr. P Nayak, learned counsel for the Finance Department, Government of Assam to take up the matter with the Treasury Officer, Nagaon to disburse the aforesaid sanctioned

amount to the petitioner forthwith.

7. Contempt petition stands closed with the above observations.

8. A copy of this order be furnished to Mr. P Nayak, learned counsel for the Finance Department, Government of Assam for onward transmission of the requirement of this order to the Treasury Officer, Nagaon.

JUDGE

Comparing Assistant