

GAHC010201212022



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

Case No. : WP(C)/6717/2022

SAMARJIT BISWAS
S/O- LATE TATAN BISWAS,
R/O- MEHERPUR, SIVALIK PARK, BYE LANE -12, SILCHAR, DIST- CACHAR,
ASSAM

VERSUS

THE STATE OF ASSAM AND 2 ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, URBAN DEVELOPMENT DEPARTMENT, DISPUR, GUWAHATI-6.

2:THE ASSAM STATE HOUSING BOARD
REPRESENTED BY ITS CHAIRMAN
R.G. BARUAH ROAD
GUWAHATI-5. ASSAM

3:THE COMMISSIONER

ASSAM STATE HOUSING BOARD
R.G. BARUAH ROAD
GUWAHATI-5

Advocate for the Petitioner : MR. M H LASKAR

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE KARDAK ETE**

ORDER

Date : 14.08.2023

Heard Mr. M.H.Laskar, learned counsel for the petitioner. Also heard Mr. D.Bora, learned counsel for the respondent No.1 and Mr. T.R.Gogoi, learned standing counsel for the respondent Nos. 2 and 3.

2. By filing this writ petition, the petitioner has prayed for a direction to Respondent authorities to release the pending retiral dues amounting to Rs. 8,95,079/- (Rupees eight lakhs ninety five thousand and seventy nine) only with interest in a single installment within a specific time frame.

3. The petitioner was working as a Peon in the Office of Assam State Housing Board, Zonal Office, Silchar and has retired on 30.09.2019 after serving for more than 40(forty) years. The petitioner claims that his retiral dues amounting to Rs. 8,95,079/- (Rupees eight lakhs ninety five thousand and seventy nine) only has not been released by the respondent authority, particularly, the respondent Nos. 2 and 3.

4. The respondent Nos. 2 and 3 has filed a counter affidavit stating that an amount of Rs. 7,24,900/- (Rupees seven lakh twenty four thousand nine hundred) only is yet to be released to the petitioner and not Rs. 8,95,079/- (Rupees eight lakhs ninety five thousand and seventy nine) only. However, due to financial condition of the respondents, the entire retiral benefits of Rs. 7,24,900/- (Rupees seven lakh twenty four thousand nine hundred) only could

not be released at a time.

5. Mr. T.R.Gogoi, learned counsel for the respondent Nos. 2 and 3 submits that out of Rs. 7,24,900/- (Rupees seven lakh twenty four thousand nine hundred) only, Rs. 50,000/- (Rupees fifty thousand) only has already been released to the petitioner and therefore, the remaining retiral benefits due to the petitioner is amounting to Rs.6,74,900/- (Rupees six lakhs seventy four thousand nine hundred) only. He further prays that the respondents may be allowed to release Rs. 74,900/- (Rupees seventy four thousand nine hundred) only to the petitioner within a week and the remaining amount of Rs. 6,00,000/- (Rupees six lakh) only may be allowed to be released on equal installments within 12(twelve) months.

6. The learned counsel for the petitioner fairly agreed to the submissions made by the learned counsel for the respondents.

7. Considering the submissions made by the learned counsel for the parties, particularly, the submissions made by the learned counsel for the respondent Nos. 2 and 3, this writ petition is disposed of directing the respondent Nos. 2 and 3 to release Rs.74,900/-(Rupees seventy four thousand nine hundred) only within a period of 1(one) week from today to the petitioner and the remaining amount of Rs.6,00,000/-(Rupees six lakh) only be released on equal installments within a period of 12(twelve) months from today.

The petitioner is also directed to submit the details of the bank account

within a period of 3(three) days from today.

8. With the aforesaid observations and directions, this writ petition stands disposed of.

JUDGE

Comparing Assistant