

GAHC010204482021



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

Case No. : WA/338/2021

RANTU KUMAR GOHAIN
S/O UMANANDA GOHAIN, R/O PUB JYOTI NAGAR, SRI SRI HARI DEV
PATH, GUWAHATI, DIST-KAMRUP(M), ASSAM, PIN-781020

VERSUS

ASSAM ELECTRONICS DEVELOPMENT CORPORATION LTD AND 2 ORS.
A GOVT OF ASSAM UNDERTAKING, INDUSTRIAL ESTATE,
BAMUNIMAIDAN, GUWAHATI, DIST-KAMRUP(M), ASSAM, PIN-781021
REPRESENTED BY ITS MANAGING DIRECTOR

2:THE MANAGING DIRECTOR
ASSAM ELECTRONICS DEVELOPMENT CORPORATION LTD
INDUSTRIAL ESTATE
BAMUNIMAIDAN
GUWAHATI
DIST-KAMRUP(M)
ASSAM
PIN-781021

3:THE MANAGER
HRD DIVISION
ASSAM ELECTRONICS DEVELOPMENT CORPORATION LTD
INDUSTRIAL ESTATE
BAMUNIMAIDAN
GUWAHATI
DIST- KAMRUP(M)
ASSAM
PIN-78102

Advocate for the Petitioner : MR. D DAS SR. ADV

Advocate for the Respondent : MR. B CHAKRABORTY (r-1)

**BEFORE
HONOURABLE THE CHIEF JUSTICE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

16.02.2023

(S. Saikia, J.)

Heard Mr. D. Das, learned senior counsel assisted by Mr. D. Choudhury, learned counsel for the appellant. Also heard Mr. B. Chakraborty, learned counsel appearing for the respondent Nos.1 & 2.

This writ appeal is directed against the judgment & order dated 29.10.2021 passed by the learned Single Judge in Writ Appeal No.380/2020.

The appellant is aggrieved by denial of his retirement benefits pursuant to his retirement from the post of Deputy Manager of Assam Electronics Development Corporation Limited (AEDCL). The reason for denial of his service benefits was that the writ petitioner had overstayed his service period and the same was because of a discrepancy relating to his date of birth. This controversy arose pursuant to his promotion to the post of Deputy Manager, AEDCL on the basis of a complaint lodged by a third party as regards the age and date of birth of the appellant. Pursuant thereto certain documents were called for by the AEDCL from the petitioner which however could not be produced by the petitioner as the same were stated to have been destroyed in flood. By order dated 27.03.2019, the petitioner was directed to hand over all official documents and that he would cease to be a regular employee of AEDCL.

Being aggrieved, the appellant filed representations before the authority concerned for release of leave encashment benefit, gratuity and salary for the

month of March, 2019. The same not having been released, the appellant as a petitioner filed the writ petition.

The learned Single Judge upon hearing the parties and taking into consideration the matter in its entirety, dismissed the writ petition. Being aggrieved, the present writ appeal has been preferred.

When the matter was heard on 08.06.2022, a submission was made by the learned senior counsel for the appellant that if 75% of the claimed amount is paid to the appellant by the authorities concerned that would take care of his grievances. In view of such submissions, liberty was granted to the counsel for the respondents to obtain required instructions vide order dated 08.06.2022.

Mr. B. Chakraborty, learned counsel appearing for the respondent Nos.1 & 2 submits on instructions that in terms of the submissions made by the learned counsel for the petitioner, the department is agreeable to release 75% of the claimed amount.

In such peculiar facts and circumstances of the case, the writ appeal is disposed of in terms of the submissions made by the learned counsel for the respondents as have been recorded in the order dated 08.06.2022 passed in this appeal. The amount to the extent of 75% shall be released to the petitioner within a period of 2(two) months from the date of receipt of a certified copy of this order. The judgment & order dated 29.10.2021 passed by the learned Single Judge in Writ Appeal No.380/2020 stands modified to the extent as indicated above.

Writ appeal is accordingly disposed of. No order as to cost.

JUDGE

Comparing Assistant

CHIEF JUSTICE