

GAHC010222712019



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

Case No. : Cont.Cas(C)/549/2019

SYEDA MAFIDA KHANAM
W/O- LATE KHAIRUL BASAR, R/O- FLAT NO. 202, SURYA APARTMENTS, DR
S K BHUYAN ROAD, DIGHALIPUKHURI EAST, GUWAHATI- 781001, DIST-
KAMRUP (M), ASSAM

VERSUS

ALOK KUMAR AND 2 ORS
CHIEF SECRETARY, GOVT OF ASSAM, DISPUR, GUWAHATI- 06

2:RAJESH PRASHAD
PRINCIPAL SECRETARY
AGRICULTURE DEPTT
GOVT OF ASSAM
DISPUR
GUWAHATI- 06

3:KULENDRA TALUKDAR
ACS
MANAGING DIRECTOR
ASSAM SEEDS CORPORATION LTD
KHANAPARA
GUWAHATI- 2

Advocate for the Petitioner : MR H DAS

Advocate for the Respondent : MR. D SAIKIA

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

Date : 23/08/2023

Heard Mr. H. Das, learned counsel for the petitioner. Also heard Mr. S.M.T. Chistie, learned counsel for respondent Nos. 1 and 2 and Mr. M.M.Zaman, learned counsel appears for respondent No.3.

2. This contempt petition has been filed by the petitioner alleging willful and deliberate disobedience of the directions contained in the order dated 18.09.2018 passed in WP(C) No. 4432/2016, as it is alleged that the directions contained in the said order has been deliberately violated and not carried out.

By the said order, the following directions were passed:-

“10. In the present case also there is no explanation as to why the disciplinary proceeding initiated on the basis of show cause notice dated 08.06.2010 has not been concluded till today. Since the petitioner’s retirement dues had been withheld due to pendency of the departmental proceeding, it is evident that the non-conclusion of the disciplinary proceeding has resulted into serious prejudice to her rights and interest warranting interference by this Court. Moreover, a perusal of the show cause notice dated 08.06.2010 also goes to show that there is no allegation of misappropriation of public fund by the petitioner. Under the circumstances, I am of the view that further delay in disbursal of the retirement dues of the petitioner on the ground of pendency of the disciplinary proceeding would lead to miscarriage of justice.

11. Consequently, the show cause notice dated 08.06.2010 and the departmental proceeding initiated on the basis of the same stands set aside. The respondents would now initiate necessary steps for release of the retiral dues in favour of the

petitioner. The aforesaid exercise be carried out and completed within a period of three months from the date of receipt of a certified copy of this order.

The writ petition stands allowed.

No order as to cost”.

3. Mr. S.M.T. Chistie, learned counsel appearing for respondent Nos. 1 and 2 submits that the directions contained in the order has been carried out and the communication to that effect has been received by communication dated 23.08.2023. As per the same communication, the sanction orders in respect of gratuity and leave salary amounting to a total of Rs.7, 91, 203/- (Rupees seven lakhs ninety one thousand two hundred three) only has been issued by the Department. It is submitted that the payment has also been received by the petitioner. These statements are not disputed by the learned counsel of the Petitioner.

4. Accordingly, taking on record the statements made by the learned counsel for the Parties and also upon a perusal of the instructions placed before the court, this court is of the view that the directions contained in the order dated 18.09.2018 passed in WP(C) No. 4432/2016 stands complied with and accordingly, no further proceedings are required to be initiated and the present proceedings can be closed.

5. Accordingly, this contempt petition stands closed in terms of the above.

6. Copy of the instructions dated 23.08.2023 is retained in the case record.

JUDGE

Comparing Assistant