

GAHC010223012023



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

Case No. : WP(C)/5834/2023

MD. ABDUL AZIM
S/O
R/O- VILLAGE AND P.O. MORABAZAR,
VIA AMGURI, DISTRICT- SIVASAGAR,
ASSAM, PIN- 785680.

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM,
DEPARTMENT OF HIGHER EDUCATION,
GOVERNMENT OF ASSAM,
ASSAM SECRETARIAT, DISPUR,
GUWAHATI, ASSAM, PIN- 781006.

2:THE PRINCIPAL ACCOUNTANT GENERAL (A AND E)
ASSAM
MAIDAMGAON
BELTOLA
GUWAHATI

ASSAM. PIN- 781029.

3:THE TREASURY OFFICER
SIVASAGAR
DISTRICT- SIVASAGAR
ASSAM.

4:THE DIRECTOR OF HIGHER EDUCATION
DIRECTORATE OF HIGHER EDUCATION
ASSAM

KAHILIPARA
GUWAHATI
ASSAM

PIN- 781019.

5:JHANJI HEMNATH SARMA COLLEGE (JHNS COLLEGE)
REPRESENTED BY ITS PRINCIPAL

P.O.- JHANJI
DISTRICT- SIVASAGAR

PIN- 785683

Advocate for the Petitioner : MR S BORTHAKUR

Advocate for the Respondent : SC, HIGHER EDU

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

Date : 18-12-2023

Heard Mr. S. Dey, learned counsel for the petitioner. Also heard Mr. D. Upamanyu, learned Standing Counsel, Higher Education Department.

This petition is filed by the petitioner claiming arrear salary with effect from 01.04.2016 to 31.05.2021 for an amount of Rs.4,19,314/- (Rupees four lakhs nineteen thousand three hundred fourteen) only. The learned counsel for the petitioner submits that the petitioner was paid 50% of the arrear salary amounting to Rs.2,09,657/- (Rupees two lakhs nine thousand six hundred fifty seven) only. However, the balance 50% has not been paid to him till date.

Mr. D. Upamanyu, learned Standing Counsel, Higher Education Department was permitted time to complete his instructions by the last order dated 04.10.2023. However, today when the matter was called up, Mr. D. Upamanyu prays for further time to complete his instructions.

The pleadings on record have been carefully perused. It is seen that the claim of the petitioner is to receive arrear salary with effect from 01.04.2016 to 31.05.20217 for an amount of Rs.4,19,314/- (Rupees four lakhs nineteen thousand three hundred fourteen) only out of which 50% of the amount has admittedly been released to the petitioner.

The specific claim before the Court is for release of the balance 50% of the arrear salary due to the petitioner.

Under such circumstances, this Court is of the considered view that the matter need not be kept pending for want of instructions and it can be decided by the competent authorities, more particularly, the respondent no.4, namely, the Director, Higher Education Department.

Accordingly, the respondent no.4, namely, the Director, Higher Education Department shall examine the claim of the petitioner for release of the balance 50% of his arrear salary out of Rs.4,19,314/- (Rupees four lakhs nineteen thousand three hundred fourteen). The Director will be entitled to call for all the records necessary from all authorities concerned including, if any, information is

required from the petitioner. The petitioner will furnish the same within the shortest possible time. The petitioner is given liberty to file a representation for arrear salary along with a copy of the certified copy of this order. Thereupon, the respondent no.4 will decide the matter and pass a speaking order within a period of 60 (sixty) days from the date of receipt of a certified copy of this order along with a representation of the petitioner. Any such speaking order that is passed, copy thereof shall be served to the petitioner.

The writ petition stands disposed of in terms of the above.

JUDGE

Comparing Assistant