

GAHC010255532023



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

Case No. : WP(C)/6568/2023

ARJUN SINGH
LATE MOHAN SINGH ADDRESS NIZARAPUR, CHANDMARI, NABAGRAHA
PAHAR, P.O- AND P.S- CHANDMARI, GHY 03

VERSUS

THE STATE OF ASSAM AND 7 ORS
REP. BY THE COMM AND SECY TO THE FORST DEPTT, ASSAM

2:THE ADDL CHIEF SECRETARY TO THE GOVT OF ASSAM
ENVIR AND FOREST ETC DEPTT
DISPUR
GHY- 06

3:THE PRINCIPAL CHIEF CONSERVATOR OF FOREST AND HEAD OF
FOREST FORCE
ASSAM
KAMRUP (M)
PANJABARI
GHY- 17

4:THE PCCF AND WILDLIFE AND CHIEF WILDLIFE WARDEN
ASSAM KAMRUP
BASISTHA
GHY- 37

5:THE DY CONSERVATOR OF FOREST(ENFORCEMENT) OFFICE OF THE
PCCF AND WILDLIFE AND CHIEF WILDLIFE WARDEN
ASSAM
KAMRUP (M)
GHY-37

6:THE SR WILDLIFE WARDEN
OFFICE OF PCCF AND WILDLIFE AND CHIEF WILDLIFE WARDEN
ASSAM
KAMRUP
GHY- 37

7:THE DFO
ASSAM STATE ZOO DIVISION. GHY- 05

8:THE COMM AND SECY
THE GOVT OF ASSAM
FINANCE DEPTT
DISPUR
GHY- 0

Advocate for the Petitioner : MR S SARMAH

Advocate for the Respondent : SC, FOREST

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

30.11.2023

Heard Mr. S. Sarmah, learned counsel for the petitioner. Also heard Mr. D. Gogoi, learned Standing Counsel, Forest and Ms. A. Barthakur, learned counsel for the respondent No. 8.

This writ petition has been filed by the petitioner praying for grant of arrear salary stated to be due to be payable to the petitioner. The petitioner was appointed as a Sweeper pursuant to the Court's order dated 03.08.2006 passed in W.P(C) No. 3875/2005. He joined in his services as a Sweeper on 23.05.2015 and has been rendering his services. However, his original appointment was cancelled by the Principal Chief Conservator of Forests (PCCF) and the petitioner was appointed by issuance of a fresh order on the same day and posted in the same office.

The grievance of the petitioner is that his monthly salary for the period with effect from 23.07.2015 to 18.12.2016 has not been paid. He represented before the authorities concerned, however, the authorities have not resolved this issue and no orders having been passed by the concerned authorities, the petitioner has approached this Court for grant of specific orders.

This Court earlier had permitted the learned Standing Counsel, Forest to obtain the instructions as to why the arrear salary has not been paid.

The petitioner appears to have filed a representation before the authorities vide representation dated 05.11.2022. By the said representation addressed to the PCCF, the petitioner had requested for payment of his arrear salary for the period mentioned which is 23.07.2015 to 18.12.2016. This representation is shown to have been received in the office of the PCCF, however, no orders have been passed.

The learned Standing Counsel for the forest also does not have any instructions on the status of this representation.

Considering the issue involved in the matter and considering the fact that the representation preferred before the respondent authorities is already pending, this Court is of the considered view that the writ petition can be disposed of with a direction to the PCCF to expeditiously dispose of the representation dated 05.11.2022 pending before the authorities and thereafter pass appropriate orders in the matter. This direction being issued to the PCCF is also being issued to the respondent No. 8.

The respondents No. 3 & 8 are directed to address the issue raised by the petitioner and thereupon pass a speaking order in respect of the grievance raised by the petitioner. This exercise will be completed within a period of 60 days from the date of receipt of certified copy of this order.

Accordingly, the writ petition stands disposed of in terms of the above.

JUDGE

Comparing Assistant