

GAHC010260702017



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

Case No. : WP(C)/8034/2017

PROJEN TERANG and 20 ORS.
C/O BABURAM TERANG, VILLAGE PABHOI PATHAIJAN, P.O. PABHOI, PIN
784174, DISTRICT BISWANATH, ASSAM.

2: ARUN HARPAL

S/O. SRI GOYADHAR HARPAL
VILLAGE DHULLIE T.E.
P.O. PAVOI
P.S. BISWANATH
PIN 784174
DISTRICT BISWANATH
ASSAM.

3: MRS. MADINA BEGUM

W/O. MD. ABDUL JABAR
VILLAGE 1 NO. DERING PATHAR
P.O. PAVOI
P.S. BISWANATH
PIN 784174
DISTRICT BISWANATH
ASSAM.

4: MRS. SUNITA TIRKEY

C/O SRI ARUP TIRKEY
VILLAGE DHULLIE KUHIARBARI
P.O. PAVOI
P.S. BISWANATH
PIN 784174
DISTRICT BISWANATH
ASSAM.

5: SRI ANIL MAHANANDA

C/O. SRI ASAMLAL MAHANANDA
VILL. DERING T.R. P.O. PAVOI
P.S. BISWANATH
PIN-784174
DIST. BISWANATH
ASSAM.

6: MRS. PANCHAMI BIVAR

W/O. SRI MONGLU BIVAR
VILL. DHULLIE T.E.
P.O. PAVOI
P.S. BISWANATH
PIN-784174
DIST. BISWANATH
ASSAM.

7: MRS. ANITA BIVAR

C/O. SRI RAM BIVAR
VILL. DHULLIE T.E. P.O. PAVOI
P.S. BISWANATH
PIN-784174
DIST. BISWANATH
ASSAM.

8: ANIL BARLA

C/O. LT. TEUFIL BARLA
VILL. BIJOYPUR
P.O. PAVOI
P.S. BISWANATH
PIN-784174
DIST. BISWANATH
ASSAM.

9: MS. ROJINA KHATUN

VILL. BOLODANGA
P.O. SAKOMATHA
DIST. BISWANATH
ASSAM.

10: ANANDA MUNDA

VILL. BORPUKHURI BAGAR

P.O. KUWARI
PIN-784176
DIST. BISWANATH
ASSAM.

11: SMT. SIMA PROJA

VILL. BORPUKHURI BAGAN
P.O. KUWARI
PIN-784176
DIST. BISWANATH
ASSAM.

12: RAJU MUDDI

VILL. BAMUNIPATHAR
P.O. PAVOI
PIN-784174
DIST. SONITPUR/BISWANATH
ASSAM.

13: RABINATH KHODAL

VILL. BORPUKHURI BAGAN
P.O. KUWARI
PIN-784176
DIST. SONITPUR/BISWANATH
ASSAM.

14: JUNMONI BAROI

VILL. RONGAMURI
P.O. PAVOI
PIN-784174
DIST. SONITPUR/BISWANATH
ASSAM.

15: MADHUMATI TANTI

VILL. BORPUKHURI BAGAN
P.O. KUWARI
PIN-784176
DIST. SONITPUR/BISWANATH
ASSAM.

16: ANU BANIYA

VILL. BORPUKHURI BAGAN

P.O. KUWARI
PIN-784176
DIST. SONITPUR/BISWANATH
ASSAM.

17: JONALI MAJHI

VILL. BORPUKHURI BAGAN
P.O. KUWARI
PIN-784176
DIST. SONITPUR/BISWANATH
ASSAM.

18: SRI KHIRAM RONGFAR

S/O. SARIKH RONGFAR
VILL. NONKE SAMUKJULI
P.O. TINISUTI
PIN-784173
DIST. BISWANATH
ASSAM.

19: KUNTI ORIA

W/O. ROBI ORIA
VILL. PABHOI T.E.
P.O. PABHOI
PIN-784174
DIST. BISWANATH
ASSAM.

20: SRI SOSIKAPUR TANTI

S/O. LT. KARNO TANTI
VILL. PABHOI T.E.
P.O. PABHOI
PIN-784174
DIST. BISWANATH
ASSAM.

21: DHONRAJ BONGRUNG

S/O. LT. BATIRAM BONGRUNG
VILL. NHARBARI SAMUKJULI
P.O. TINISUTI
PIN-784173
DIST. SONITPUR/BISWANATH
ASSAM

VERSUS

THE STATE OF ASSAM and 5 ORS.
SECRETARY TO THE GOVERNMENT OF ASSAM, PANCHAYAT AND RURAL
DEVELOPMENT DEPARTMENT, DISPUR, GUWAHATI-6.

2:THE COMMISSIONER
PANCHAYAT AND RURAL DEVELOPMENT DEPTT.

JURIPAR
PANJABARI
GUWAHATI-37.

3:THE DEPUTY COMMISSIONER
SONITPUR DISTRICT

ASSAM.

4:THE DEPUTY COMMISSIONER
BISWANATH DISTRICT

ASSAM.

5:THE CHIEF EXECUTIVE OFFICER
ZILLA PARISHAD

MAIN RD
MAHABHAIRAB
TEZPUR
DISTRICT SONITPUR
ASSAM
PIN 784001.

6:THE BLOCK DEVELOPMENT OFFICER
SAKOMATHA BLOCK

BISWANATH
ASSAM
PIN 784176

For the Petitioner(s) : None appears.

For the Respondent(s) : Mr. P. Handique, Advocate.

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 11-10-2023

The instant writ petition has been filed by the Petitioners being aggrieved by the inaction on the part of the Respondent Authorities in not making payment of their allowances/honorarium which they are legally entitled to under the provisions of the Assam Panchayat Act of 1994 and the Assam (Panchayat) Administrative Rules, 2002.

2. Mr. P. Handique, the learned counsel appearing on behalf of the P & RD Department submits that the issue involved in the instant writ petition had already been settled by this Court in its judgment rendered in the case of **Poli Nagbongshi and Ors. Vs. State of Assam and Anr.** reported in **2023 SCC Online Gau 1323/2023 (2) GLT 605**.

3. This Court have duly perused the said judgment and from a perusal thereof, it reveals that it was held by this Court that the Petitioners therein who were members of the Panchayat Raj Institution were legally entitled to the monthly allowances as well as the other allowances by virtue of the Assam Panchayat Act of 1994 and the Assam (Panchayat) Financial Rules, 2002. Under such circumstances, this Court directed the State of Assam and more particularly the Principal Secretary to the Government of Assam, Panchayat & Rural Development Department to verify the claims of the Petitioners therein as

regards their respective entitlements only insofar as the quantum is concerned and upon verification, to make payment to the Petitioners therein as per their entitlement. This Court further directed that for the purpose of making payment, if there is any requirement to take necessary concurrence from the other authorities like the Finance Department, the Principal Secretary to the Government of Assam, Panchayat & Rural Development Department shall do the needful. Further to that, this Court also had directed the Commissioner and Secretary to the Government of Assam, Finance Department to do the needful so that the entitlement of the Petitioners therein were paid by according necessary approvals and releasing the funds.

4. Taking into account that the issues involved in the instant proceedings are similar to the issues which were dealt with by this Court in the case of **Poli NagBongshi** (supra), this Court also disposes of the writ petition directing the Principal Secretary to the Government of Assam, Panchayat & Rural Development Department to verify the claims of the Petitioners herein as regards their respective entitlements only insofar as the quantum is concerned and upon verification, to make payment to the Petitioners as per their entitlement within 6 months from the date a certified copy of the instant order is served upon the Principal Secretary to the Government of Assam, Panchayat & Rural Development Department. This Court also directs the Principal Secretary to the Government of Assam, Panchayat & Rural Development Department to obtain necessary concurrence from the other Authorities like the Finance Department, if so required. The Commissioner and Secretary to the Government of Assam, Finance Department is also directed to accord the necessary approvals if the Petitioners are found entitled to any amount upon necessary verification as directed hereinabove.

6. With the above observations and directions, the petition stands disposed of.

JUDGE

Comparing Assistant