

GAHC010285492023



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

Case No. : WP(C)/7431/2023

DIPTI RANI DEVI @ DIPTI DEVI
DAUGHTER OF TASU RAM BARMAN RESIDENTS OF VILLAGE- 419
HAPAPARA, P.S. AND P.O. CHAPAR, DIST.- DHUBRI, ASSAM, PIN- 783371

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF ASSAM,
THE DEPARTMENT OF SOCIAL WELFARE DISPUR, GUWAHATI 781006,
ASSAM

2:THE DIRECTOR OF SOCIAL WELFARE AND PROBATION
ASSAM
GUWAHATI- 781001

3:THE DISTRICT SOCIAL WELFARE OFFICER
RAJA RAM MOHAN RAY ROAD
WARD NO.2
NEAR GOVERNMENT BOYS SCHOOL
DHUBRI
ASSAM
PIN- 783301

4:THE CHAIRMAN
FUNCTIONAL COMMITTEE
GOLAKGANJ FAMILY AND CHILD WELFARE PROJECT
P.O. GOLAKGANJ DHUBRI
ASSAM
PIN- 78333

Advocate for the Petitioner : MR H K J AHMED

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

21.12.2023

Heard Mr. H. K. J. Ahmed, learned counsel for the petitioner. Also heard Mr. C.S. Hazarika, learned Government Advocate for the State.

2. This writ petition is filed by the petitioner, who was appointed as Kendra Sahayika in Ratiadaha Aided Centre under the Family Child Welfare Project, at Golakganj. She was carrying on her duties and in the year 1988. However, the salaries from 2018-2020 had remained pending on the ground that there was no allotment for budget. Outstanding salary of the petitioner stood at Rs. 2,23,860 for the relevant periods.

3. The representation by the petitioner remained pending and no orders were passed thereon by the respondent department. Being aggrieved, the present writ petition has been filed.

4. The learned counsel for the petitioner submits that a writ petition arising out of similar issues was disposed of by order of this Court and he submits that such a similar order can also be passed in this writ petition as the issues involved are similar. He refers to the order of this Court dated 08.11.2023 passed in W.P.(C) No. 3375/2023 (a copy which is enclosed as Annexure-F, Page-27 to the writ petition). The learned counsel for the petitioner submits that the said writ petition was disposed of by recording the instructions of the learned counsel for the petitioner and which was submitted before the Court. A copy thereof is also enclosed to the writ petition as Annexure-C series. In the said statement

enclosed, the name of the present petitioner Smti. Dipti Devi is also reflected. This Court had disposed of the earlier writ petition by order dated 08.11.2023 passed in W.P.(C) No. 3375/2023 by relying on these statements as the names of two writ petitioners in W.P.(C) No. 3375/2023 are found at Sl. No. 3 & 4. The learned counsel for the petitioner submits that in the said consolidated statement, the name of the present petitioner also appears at Sl. No. 1. He therefore, submits that this writ petition should also be disposed of with a similar direction as have been passed by this Court vide order dated 08.11.2023 in W.P.(C) No. 3375/2023.

5. Mr. C.S. Hazarika, learned Government Advocate submits that he has no instructions on this and he craves leave of this Court to complete his instructions. He however, submits that if the name of the petitioner is indeed found in the arrear pay and allowances budget proposal sent by the Competent Authority along with the names of the writ petitioners in earlier W.P.(C) No. 3375/2023 then the Department can examine and process the claims of the present petitioner if found eligible for the same.

6. Upon due consideration of the submissions of the learned counsels of the parties and upon perusal of the pleadings on record, this Court is of the view that since the name of the petitioner appears which are forwarded under the cover of the proposal for arrear pay and allowances and also taking into consideration the earlier order dated 08.11.2023 passed in W.P.(C) No. 3375/2023, this Court is also of the view that this writ petition can also be disposed of by directing the respondent authorities to verify the claims of the petitioner and thereafter pass necessary orders. It is therefore, ordered that the writ petition stands disposed of with a direction to the respondent authorities to examine the claims of the arrear salaries of the writ petitioner and if found

payable, the same be released by the competent department when the budget is approved and the amount sanctioned are received. If there are any further claims by the petitioner the same may be addressed by the competent authority separately.

7. In terms of the above, the writ petition stands disposed of. No order as to cost.

JUDGE

Comparing Assistant