

GAHC010005542024



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

Case No. : I.A.(Civil)/109/2024

LAHESWAR DAS,
S/O- LATE AHINA DAS, RESIDENT OF BASISTHA BIJOYPUR, P.O. BASISTHA
CHARIALI, P.S. BASISTHA, DISTRICT- KAMRUP (M), ASSAM, PIN- 781029

VERSUS

THE STATE OF ASSAM AND 2 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, CULTURAL AFFAIRS DEPARTMENT, DISPUR,
GUWAHATI-6

2:THE DIRECTOR OF CULTURAL AFFAIRS
ASSAM
RABINDRA BHAWAN
GUWAHATI- 781001

3:THE PRINCIPAL
GOVT. COLLEGE OF ART AND CRAFTS
ASSAM
BASISTHA
GUWAHATI- 78102

Advocate for the Petitioner : MR. D CHAKRABARTY

Advocate for the Respondent : GA, ASSAM

Linked Case : WP(C)/6776/2023

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S/O- LATE AHINA DAS
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Advocate for : MR. D CHAKRABARTY
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND 2 ORS

BEFORE
HONOURABLE MR. JUSTICE NELSON SAILO

ORDER

Date : 15.03.2024

Heard Mr. D. Chakrabarty, learned counsel for the applicants/ writ petitioner and Mr. A. Chakrabarty, learned counsel for the respondents no. 1 and 2. The Writ Petition is filed by the petitioner challenging the Office order dated 06.11.2023 whereby he has been placed under compulsory leave with effect

from 07.11.2023. During the pendency of the Writ Petition, the petitioner has been placed under suspension vide order dated 12.12.2023 with immediate effect.

By filing this instant application, the applicant prays for release of the arrear salary due to him for the month of November 2023 and the subsistence allowance entitled to him. The learned counsel for the applicants submits that in view of the suspension order dated 12.12.2023, the Writ Petition has been rendered infructuous.

He therefore submits that limited prayer of the petitioner/applicant at this stage is that the subsistence allowance due to him may be paid to him along with the arrear salary for the month of November 2023.

Mr. A. Chakrabarty learned counsel submits that regarding payment of subsistence allowance, the same is already taken care of in the suspension order dated 12.12.2023 and that the arrear salary of the applicant may be released after completion of the enquiry contemplated.

Upon considering the submission made by the learned counsel for the parties, this Court finds no impediment in directing the respondent authorities concerned to release the arrear salary of the petitioner for the month of November 2023, since the order of suspension dated 12.12.2023, itself says that the same is with immediate effect.

It is directed accordingly.

The respondent shall also pay the subsistence allowance as entitled to the petitioner , in terms of the order dated 12.12.2023.

The I.A. stands disposed off.

JUDGE

Comparing Assistant