

GAHC010011232022



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

Case No. : Cont.Cas(C)/25/2022

WAZED ALI
(GAON PANCHAYAT SECRETARY KACHARIBORY), S/O LATE SAMAR ALI,
R/O NO. 2 BARSALA, P.O.-GARUKHUTI, P.S.-LAHARIGAHT, DIST-
MORIGAON, ASSAM, PIN-782106

VERSUS

JOLLY DAS BRAHMA AND 6 ORS.
THE COMMISSIONER AND SECRETARY, PANCHAYAT AND RURAL
DEVELOPMENT TO THE GOVT. OF ASSAM, DISPUR, GUWAHATI-781006

2:MANABENDRA MEDHI
THE JOINT SECRETARY PANCHAYAT AND RURAL DEVELOPMENT
DISPUR
GUWAHATI-781006

3:BIKRAM KAIRI
THE COMMISSIONER OF PANCHAYAT AND RURAL DEVELOPMENT TO
THE GOVT. OF ASSAM
JURIPAR
PANJABARI
GUWAHATI-781037

4:KHITISH PEGU
THE PROJECT DIRECTOR DRDA
MORIGAON
DIST- MORIGAON
ASSAM
PIN-782105

5:KHITISH PEGU
THE CHIEF EXECUTIVE OFFICER
MORIGAON ZILLA PARISHAD
MORIGAON
DIST-MORIGAON

PIN-782105

6:MANITA DAS RANGHANG
BLOCK DEVELOPMENT OFFICER
LAHARIGHAT DEVELOPMENT BLOCK
DIST-MORIGAON
ASSAM
PIN-782127

7:ALUK TAMULI
THE TREASURY OFFICER
MORIGAON TREASURY
P.O. AND DIST- MORIGAON
ASSAM
PIN-78210

Advocate for the Petitioner : MR Z HUSSAIN

Advocate for the Respondent : MR. M NATH

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 26.06.2024

Heard Mr. Z.Hussain, learned counsel for the petitioner and Mr. M. Nath, learned Senior Counsel assisted by Mr. A.Bhattacharjee , learned counsel appearing for the respondent Nos. 2 and 3

At the outset it is to be noted that in the present proceeding violation of the directions passed by this court vide order dated 24.02.2020 in WP (C) No. 1271/2020 has been alleged. The directions being relevant to the present proceeding is extracted herein below:

“Since the order re-instating the petitioner to his service clearly mentioned that the suspension period shall be treated as on duty for all official purposes, the respondents are liable to pay his full salary for the period he was kept under suspension. Therefore, the respondents are directed to release the full salary of the petitioner for the period mentioned above, at the earliest but not beyond 3(three) months from today. The petitioner shall submit a copy of this order to the respondent No.3 along with his

representation within 10 days.”

This court had held that the order reinstating the petitioner to his service having clearly stipulated that the suspension period shall be treated as on duty for all official purpose, the respondents are liable to pay his full salary for the period he was kept under suspension.

Mr. Nath, learned Senior Counsel appearing for the respondents has produced a communication dated 03.08.2022 issued by the Joint Secretary to the Government of Assam, Panchayat and Rural Development Department wherein the Accountant General (A & E), Assam was informed about a sanction of Rs.2,38,096/- being the amount payable to the petitioner herein being arrears of pay and allowance for the period he was kept under suspension that is with effect from November, 2017 to February, 2019.

In the above view of the matter, a decision to release the amount due to the petitioner having already been taken and the matter being communicated to the Accountant General (A & E) , Assam for disbursal of the said amount, no willful and or deliberate violation of the directions passed by this court is evident in the matter and accordingly the contempt case is closed.

In the event, the petitioner has not been disbursed the said amount by the Accountant General (A & E), Assam, he would be at liberty to institute such proceedings as would be called for in the matter.

A copy of the communication dated 03.08.2022 as furnished by Mr. Nath, learned Senior counsel for the respondents is kept on record and marked as 'X'.

JUDGE

Comparing Assistant