

GAHC010017852023



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

Case No. : WP(C)/524/2023

MEERA HAZARIKA
W/O- LT. BABUL HAZARIKA, VILL- KUTUHAGURI, P.O. KHAGA, P.S.
PANIGAON, PIN- 787052, DIST.- LAKHIMPUR, ASSAM

VERSUS

THE STATE OF ASSAM AND 4 ORS
REP. BY COMM. AND SECY. INLAND WATER TRANSPORT DEPTT.

2:COMM. AND SECY. TO THE GOVT. OF ASSAM
FINANCE DEPTT.

3:THE DIRECTORATE OF INLAND WATER TRANSPORT DEPTT.
ASSAM
GUWAHATI

4:THE ACCOUNTANT GENERAL
ASSAM
MAIDAMGAON
BELTOLA
GHY-29

5:ASSISTANT EXECUTIVE ENGINEER
I.W.T
SUB-DIVISION-JORHA

Advocate for the Petitioner : MR MINTU SAIKIA

Advocate for the Respondent : SC, FINANCE

**BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR**

ORDER

Date : 24.06.2024

Heard Mr. M. Saikia, learned counsel for the petitioner. Also heard Ms. M. D. Borah, learned Standing Counsel for the IWT Department, Assam and Mr. P. Naik, learned Standing Counsel for the Finance Department as well as Mr. S. K. Medhi, learned Standing Counsel appearing for the AG (A & E), Assam.

Mr. M. Saikia, learned counsel for the petitioner after having argued the matter at some length has submitted that he would be satisfied, if a direction is issued by this Court to the respondent authorities to release to the petitioner herein, in respect of the services rendered by her husband, all the benefits which have been so extended by this Court to Muster Roll/Work-Charged category employees in the case of *State of Assam Vs. Upen Das*, reported in (2017) 4 GLR 493.

The said prayer is not objected to by the learned counsel for the respondents, however, Ms. M. D. Borah, learned Standing Counsel for the IWT Department has submitted that the benefits as flowing to the petitioner in terms of the decision of this Court in the case of *Upen Das (supra)* has already been released to her. The said position is however disputed by Mr. M. Saikia, learned counsel for the petitioner.

Be that as it may, the petitioner would now submit a representation before the Director of IWT Department, Assam and therein, highlight the benefits accruing to her in terms of the decision of this Court in the case of

Upen Das (supra) but, not released to her till date.

The Director of IWT Department, Assam, on receipt of such representation from the petitioner shall duly examine the same in the light of the contemporaneous records maintained in the department and thereafter, pass a speaking order with regard to the claims made by the petitioner.

In the event the petitioner is found entitled to any amount within the benefits as extended by this Court in the case of *Upen Das (supra)*, the same shall be so released to the petitioner within 2(two) months from the date of receipt of a certified copy of this order along with said representation now required to be filed in the matter by the petitioner herein.

With the above observations and directions, the writ petition is disposed of.

JUDGE

Comparing Assistant