

GAHC010025272024



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

Case No. : WP(C)/764/2024

HEMANTA BORAH
SON OF LATE THAGI RAM BORAH, RESIDENT OF HOUSING COLONY
NIKAMUL, TEZPUR, P.S. TEZPUR, DISTRICT- SONITPUR, ASSAM

VERSUS

THE ASSAM STATE HOUSING BOARD AND 2 ORS
REPRESENTED BY ITS COMMISSIONER, R.G. BARUAH ROAD, GUWAHATI-
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2:THE CHAIRMAN
ASSAM STATE HOUSING BOARD
R.G. BARUAH ROAD
GUWAHATI-5

3:THE COMMISSIONER
ASSAM STATE HOUSING BOARD
R.G. BARUAH ROAD
GUWAHATI-

Advocate for the Petitioner : MR. S BORA

Advocate for the Respondent : SC. A.S.H.B.

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

03.04.2024

Heard Mr. S. Bora, learned counsel for the petitioner. Also heard Mr. T.R. Gogoi, learned Standing Counsel, Assam State Housing Board.

2. This writ petition has been filed by the petitioner praying for a direction to release his arrear salary/ subsistence allowance for the period 01.08.1998 to 22.04.2010 that is for 11 Years 5 Months 21 days amounting to Rs. 8,31,212/- (Rupees Eight Lakh Thirty One thousand Two Hundred Twelve Only) and an amount of Rs. 89,026/- (Rupees Eighty Nine Thousand Twenty Six Only) for the periods from 17.01.2012 to 14.09.2012 along with an interest of 12% per annum. Pursuant to the notices being issued, the respondents are filed their affidavit and in Paragraph-4 of the affidavit, it is admitted that the arrear salary as subsistence allowance totaling to an amount of Rs. 3,83,115/- (Rupees Three Lakh Eighty Three Thousand One Hundred Fifteen Only) for the period w.e.f 01.08.1998 to 22.04.2010 is found to be payable but could not be released because of acute financial hardship of the Board.

3. The learned counsel appearing for the respondents submits that the averments made in the affidavit reflect the correct position.

4. Taking into consideration the submissions made and the averments in the affidavit, this Court considers it appropriate to close the writ petition at this stage.

5. Since the respondent-Board has admitted that an amount of Rs. 3,83,115/- (Rupees Three Lakh Eighty Three Thousand One Hundred Fifteen Only) is due to be paid to the petitioner which however could not be paid

because of acute financial hardship, this Court considers it appropriate to dispose of the writ petition with a direction to the respondent Board, more particularly, respondent No. 3 to release the amount expeditiously as possible.

6. Considering the financial hardship expressed by the Board and their affidavit as well as the submissions made by the learned Standing Counsel, let this amount be released in three equal installments beginning from the month of April, 2024 and the amounts are directed to be completed by the month of June, 2024.

7. In terms of the above, the writ petition stands closed. No order as to costs.

JUDGE

Comparing Assistant