

GAHC010032792024



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

Case No. : WP(C)/801/2024

RUMI BEGUM
W/O- LATE MD. NUSSAIN ,
R/O- WARD NO-8, MANGALDAI TOWN (PART),
P.O AND P.S- MANGALDOI,
DIST- DARRANG, ASSAM, PIN-784125

VERSUS

THE STATE OF ASSAM AND 5 ORS
REP. BY THE COMMISSIONER AND SECRETARY , TO THE GOVT OF
ASSAM, ASSAM MUNICIPALITY ADMINISTRATION, HOUSING AND
URBAN AFFAIRS, DISPUR, GUWAHATI-06

2:THE DIRECTOR
OF MUNICIPALITY ADMINISTRATION
HOUSING AND URBAN AFFAIRS
DISPUR
GUWAHATI-06

3:THE DEPUTY COMMISSIONER
DARRANG
ASSAM
PIN-784125

4:THE DIRECTOR
OF MANGALDOI MUNICIPALITY BOARD
DIST- DARRANG
ASSAM
PIN-784125

5:THE CHAIRMAN
OF MANGALDOI MUNICIPALITY BOARD

DIST- DARRANG
ASSAM
PIN-784125

6:RABIUL HUSSAIN
S/O- LATE MD. HUSSAIN

R/O- WARD NO-8
MANGALDAI TOWN (PART)

P.O AND P.S- MANGALDOI
DIST- DARRANG
ASSAM
PIN-78412

Advocate for the Petitioner : MD. S Z B AKLAS

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

26.02.2024

Heard Mr. M.A. Sheikh, learned counsel for the petitioner. Also heard Ms. A. Talukdar, learned Government Advocate for the respondents No. 1 to 3.

2. The learned counsel refers to the Assam Employees Parents Responsibilities and Norms for Accountability and Monitoring Act, 2017 (in short "*The Assam Employees PRANAM Act, 2017*").

3. The learned counsel for the petitioner submits that under this Act, she has a right to be maintained by respondent No. 6 as she is a Senior Citizen and therefore, under the provisions of the Act, she is entitled to be maintained by the respondent No. 6 as he is working under the Mangaldoi Municipality Board by paying offered appointment on compassionate ground in place of her late husband namely Late Md. Hussain, who expired. The learned counsel for the petitioner has pointed out the various provisions of the Act.

4. The limited prayer urged before this Court is that inspite of the representation dated 13.12.2022 filed before the Municipalities Authorities seeking maintenance by deducting an amount from the salary of the respondent No. 6, the said representation has been pending without any affective orders being passed.

5. Having heard the learned counsel for the parties and upon a careful perusal of the provisions of the Act, it is seen that under Section 11, there is a right to appeal. Section 11 of the Assam Employees PRANAM Act, 2017 reads as under:

"11. Right to appeal:- If the Designated Authority does not dispose of the case

within the stipulated period of ninety days, the dependent parents/divyang sibling or employee has the right to appeal before the Appellate Authority as per the procedure as may be prescribed.”

6. A perusal of the provision of the Act of 2017 reveals that under the statute being Section 11 there is a provision for filing an appeal before the appellate authority in case the Designated Authority does not pass any order within 90 days as prescribed under the Act.

7. At this stage, Mr. Sheikh fairly submits that he would like to withdraw the writ petition and approach the appropriate authority filing an appeal as prescribed under Section 11.

8. In view of such submissions, writ petition stands dismissed as withdrawn.

9. If any appeal is preferred by the petitioner under Section 11 of the Act, the same shall be disposed of in terms of the provision of the law by the appellate authority.

JUDGE

Comparing Assistant