

GAHC010036392024



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

Case No. : WP(C)/960/2024

ALEYA BEGUM
W/O- ABDUL AZIZ KHAN,
R/O- SINGARIA, P.O- SINGARIA BAZAR,
P.S- NILAMBAZAR, DIST- KARIMGANJ, ASSAM, PIN-788719

VERSUS

THE STATE OF ASSAM AND 10 ORS
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
ASSAM, ELEMENTARY EDUCATION DEPARTMENT
DISPUR, JANATA BHAWAN, GUWAHATI-6

2:THE COMMISSIONER AND SECRETARY
TO THE GOVERNMENT OF ASSAM
ELEMENTARY EDUCATION DEPARTMENT
DISPUR
JANATA BHAWAN
GUWAHATI-6

3:THE SECRETARY

TO THE GOVT. OF ASSAM
DEPARTMENT OF FINANCE
DISPUR
GUWAHATI
ASSAM
PIN- 781006

4:THE DIRECTOR OF ELEMENTARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI

ASSAM
PIN- 781019

5:THE INSPECTOR OF SCHOOLS
KARIMGANJ DISTRICT CIRCLE
DIST. KARIMGANJ
ASSAM
PIN- 788710

6:THE DISTRICT ELEMENTARY EDUCATION OFFICER
KARIMGANJ
P.O. P.S AND DIST. KARIMGANJ
ASSAM
PIN- 788710

7:THE BLOCK ELEMENTARY EDUCATION OFFICER
BADARPUR

KARIMGANJ
P.O- MAHKAL
P.S- BADARPUR AND DIST. KARIMGANJ
ASSAM
PIN- 788120

8:THE BLOCK ELEMENTARY EDUCATION OFFICER
SOUTH KARIMGANJ

SIRAJDHIPUR
KALIGANJ
DIST- KARIMGANJ
ASSAM
PIN-788713

9:THE TREASURY OFFICER
BADARPUR SUB TREASURY OFFICE
BADARPUR
DIST- KARIMGANJ
ASSAM
PIN-788806

10:NIZ NAN KALASH LP SCHOOL
REP. BY ITS HEAD MASTER
KAN KALASH
P.O- BHANGA BAZAR

P.S- BADARPUR
DIST- KARIMGANJ
ASSAM

PIN-788805

11:DR. SARBAPALLI RADHAKRISHNAN M.E SCHOOL
REP. BY ITS HEAD MASTER

R/O- VILLAGE SINGARIA
P.O- SINGARIA BAZAR

P.S- NILAMBAZAR
DIST- KARIMGANJ
ASSAM
PIN-78871

Advocate for the Petitioner : MR. P D NAIR

Advocate for the Respondent : SC, FINANCE

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

23.02.2024

Heard Mr. G. Alom, learned counsel for the petitioner. Also heard Mr. N.J. Khataniar, learned Standing Counsel, Elementary Education and Mr. R. Borpujari, learned Standing Counsel, Finance.

The petitioner initially appointed and accommodated in supernumerary post of an Assistant Teacher in Niz Kankalash L.P. School, Karimganj w.e.f 02.05.1984 to 17.01.1995 in a pay scale vide memo No. A(I) E526/95/32 dated 17.10.1996 issued by the Deputy Secretary to the Government of Assam, Education Department. Thereafter, the petitioner was formally appointed in the said school w.e.f 02.05.1994 in a scale of pay of Rs. 470/- to Rs. 800/- and also entitled to get the time scale of pay as admissible under the Rules from the date of appointment vide order dated 07.02.1997 bearing Memo No. DIK/96-97/R1/581-87 issued by the Deputy Inspector of Schools, Karimganj.

It is submitted that the petitioner had drawn her salary from her date of appointment till 17.01.1995. However, she did not get her salary w.e.f. 18.01.1995 to 28.02.2003. Thereafter, the petitioner had approached the respondent authorities praying for release of her arrear salary amounting to Rs. 5,27,070/- for rendering her service for the period from 18.01.1995 to 28.02.2003. It is submitted that a representation dated 05.01.2024 has been filed by the petitioner to the Director of Elementary Education praying for releasing her arrear salary but the same has not been disposed of.

By the order dated 06.03.2017 passed by this Court in WP(C) No.38/2014 filed by similarly situated Hindi Teacher, a direction was issued to the respondents to examine the claim of the petitioner regarding his demand for payment of arrear salary and thereafter necessary action be initiated in the matter if it is found that the arrear salary is due and the petitioner had performed duties during the relevant point of time. By producing a copy of the said order Mr. Alom prays for disposal of the present writ petition by a similar order.

Mr. Khanikar as well as Mr. Borpujari submit that they have no objection if the writ petition is disposed of directing the respondents to examine the claim of the petitioner and pass appropriate order in the matter.

From a perusal of the pleadings contained in the writ petition, it appears that the petitioner has claimed arrear salary for the periods from 18.01.1995 to 28.02.2003 in total Rs.5,27,070/-. The representation stated to have been filed by the writ petitioner and pending before the respondent authorities is also enclosed to the writ petition.

Taking into consideration the submissions made by learned counsel for the

parties, this writ petition is disposed of by directing the respondent No.4 to dispose of the representation dated 05.01.2024 stated to have been filed by the petitioner her grievances on account of non-payment of arrear salaries. If such representation is made before the respondent No.4, the same will be considered on merit and thereafter be disposed of by making a speaking order after due and proper examination of the claim of the writ petitioner, which would include a due verification of the fact as to whether the petitioner had actually worked in the school during the period claimed by her.

The above exercise would be completed within a period of thirty (30) days weeks from the date of receipt of a certified copy of this order.

The writ petition is accordingly disposed of. No order as to cost.

JUDGE

Comparing Assistant