

GAHC010042512019



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

Case No. : WP(C)/1393/2019

SULEKA KHATUN AND 2 ORS.
WIFE OF LATE MONIRUL ISLAM, R/O. VILLAGE- CHARARGAON, P.O.
RAMDHAMADHABHAT, P.S. MANKACHAR, DIST.- SOUTH SALMARA
MANKACHAR, ASSAM, PIN- 783131.

2: RIMI SULTANA
DAUGHTER OF LATE MONIRUL ISLAM
REP. BY HER MOTHER
NAMELY
SULEKA KHATUN
R/O. VILLAGE- CHARARGAON
P.O.- RADHAMADHABHAT
P.S.- MANKACHAR
DIST. SOUTH SALMARA MANKACHAR
ASSAM
PIN- 783131.

3: MD. SHAHAJAHAN ALI
SON OF LATE MONIRUL ISLAM
REPRESENTED BY HIS MOTHER
NAMELY
SULEKA KHATUN
R/O. VILLAGE- CHARARGAON
P.O. RAMDHAMADHABHAT
P.S. MANKACHAR
DIST.- SOUTH SALMARA MANKACHAR
ASSAM
PIN- 783131

VERSUS

THE STATE OF ASSAM AND 4 ORS.
REP. BY ITS SECRETARY TO THE GOVT. OF ASSAM, GENERAL
ADMINISTRATION DEPTT., DISPUR, GUWAHATI-781006.

2:THE DEPUTY COMMISSIONER
DHUBRI
P.O. AND P.S. DHUBRI
DIST. DHUBRI
ASSAM
PIN- 783301.

3:THE CERTIFICATE OFFICER
DHUBRI
P.O. AND P.S. DHUBRI
DIST.- DHUBRI
ASSAM
PIN- 783001.

4:THE ASSAM STATE TRANSPORT CORPORATION
REPRESENTED BY THE MANAGING DIRECTOR
ASTC PALTAN BAZAR
GUWAHATI-08
KAMRUP(METRO)
ASSAM.

5:THE MANAGING DIRECTOR

ASSAM STATE TRANSPORT CORPORATION
PALTAN BAZAR
GUWAHATI-08
KAMRUP(METRO)
ASSAM

Advocate for the Petitioner : MR. M AHMED

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI**

ORDER

02.04.2024

Heard Mr. M. Ahmed, learned counsel for the petitioners. Also heard Mr. G.N. Sahewalla, learned senior counsel assisted by Ms. G. Dughar, learned counsel for the ASTC and Mr. S.R. Baruah, learned Government Advocate for the

respondent Nos. 2 & 3.

By preferring the instant writ petition, the petitioners are canvassing the inaction of the respondent authorities in not releasing the compensation award granted in favour of the petitioners vide Judgment & Order dated 27.11.2014 in MAC No. 57/2010.

The case of the petitioners is that on 10.12.2009, the husband of the petitioner No. 1 fall down from the Bus of the Assam State Transport Corporation and ultimately succumbed to his injuries on 12.10.2009. Claims accordingly were preferred before the Motor Accident Claims Tribunal, whereupon by Order dated 27.11.2014 in MAC No. 57/2010, an award of Rs. 7,47,500/- with interest @ 6% p.a. was granted in favour of the petitioner/claimant. Since the aforesaid award was not paid, the present writ petition has been preferred.

During the pendency of the present writ petition, the principal amount and some amount of interest was paid to the petitioners. It is submitted at the bar that a balance of Rs. 5,68,175/- stands outstanding as on date.

Mr. G.N. Sahewalla, learned senior counsel submits on instruction that the remaining balance amount after verification shall be paid to the petitioners within a reasonable period of time.

In view of the aforesaid endorsement made by the learned senior counsel appearing for the ASTC, this Court is of the considered view that this writ petition can be disposed of with a direction to the respondent authorities, particularly the respondent Nos. 4 & 5 to pay the balance amount to the

petitioners within a period of 6 months from today. A certified copy of this order be furnished to the respondents.

With the above observation and direction, the writ petition stands disposed of.

JUDGE

Comparing Assistant