

GAHC010052392023



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

Case No. : WP(C)/1557/2023

GOBINDA RAJBANGSHI AND ANR
SON OF LATE GANGARAM RAJBANGSHI,
RESIDENT OF SARBODOI NAGAR,
HOUSE NO. 14, BARSOJAI,
POST OFFICE- BASISTHA,
POLICE STATION- BASISTHA,
DISTRICT- KAMRUP(M), ASSAM.

2: SATYAJIT SEN
SON OF LATE SUDHIR RANJAN SEN

RESIDENT OF M.K. ENCLAVE
APARTMENT

B.G. COLONY
PRAGJYOTISH NAGAR

BYE LANE NO. 1
POST OFFICE- MALIGAON

P.S.- MALIGAON
DISTRICT- KAMRUP(M)

ASSAM

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY,
GOVERNMENT OF ASSAM,
SOIL CONSERVATION DEPARTMENT,
DISPUR, GUWAHATI- 6.

2:THE FINANCE DEPARTMENT

GOVERNMENT OF ASSAM
REPRESENTED BY ITS COMMISSIONER AND SECRETARY

DISPUR
GUWAHATI-6.

3:THE DIRECTOR OF SOIL CONSERVATION
ASSAM
BHUMI SANGRAKSHAN BHAWAN

1ST FLOOR
R.G. BARUA ROAD

GUWAHATI
ASSAM- 781005.

4:THE ASSAM PLANTATION CROPS DEVELOPMENT CORPORATION LTD.
REPRESENTED BY ITS MANAGING DIRECTOR

OPPOSITE SARUSAJAI NATIONAL COMPLEX

SAWKUCHI
NATIONAL HIGHWAY- 37

LAKHARA
GUWAHATI- 781034
ASSAM.

5:THE MANAGING DIRECTOR
ASSAM PLANTATION CROPS DEVELOPMENT CORPORATION LTD.
OPPOSITE SARUSAJAI NATIONAL COMPLEX

SAWKUCHI
NATIONAL HIGHWAY- 37

LAKHARA
GUWAHATI- 781034
ASSAM

Advocate for the Petitioner : MR B BORA

Advocate for the Respondent : SC, SOIL CONSERVATION DEPTT.

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

05.02.2024

Heard Mr. A. Barua, learned counsel for the petitioner. Also heard Mr. R.S. Deuri, learned Standing Counsel, Soil Conservation Department for the respondents No. 1, 3, 4 & 5.

2. This writ petition has been filed by the petitioners who had rendered services under the Assam Plantation Crops Development Corporation and has since superannuated from service.

3. The grievances of the petitioners are that in respect of their earned leave, they have not received their outstanding dues. The petitioners claim's have not been disputed by the Corporation but the Corporation by communication dated 11.11.2022 informed the petitioners that the Corporation is not in a position to pay the unpaid salaries or dues to the petitioner due to poor financial conditions. Several representations made before the Corporation have not yielded any results.

4. The learned Standing Counsel for the respondents No. 1, 3, 4 & 5 submits that the affidavit has been filed on behalf of the Department. The claims of the petitioner has not been disputed. Further upon latest instructions received from the Department, it is submitted that the Soil Conservation Department, Government of Assam has sent a proposal for placing supplementary demand and the same is likely to be placed before the Cabinet for its approval.

5. As there is no dispute on the claims made by the writ petitioners, there are every likelihood that the claims of the writ petitioners will be resolved upon the sanction of the supplementary demand in respect of the proposal which have

been submitted before the authorities concerned.

6. In view of the fact that since there is no dispute in respect of the claims of the petitioners regarding their arrear dues in view of the proposals having been put up before the Government for release of supplementary demand, it is expected that once the supplementary demand is sanctioned the claims made by the petitioners will be released subject to provisions of law.

7. Under such circumstances, this Court does not propose to keep the writ petition pending and the same is disposed of directing the Department to release the salary dues on the petitioners within a period of 90 (ninety) days from the date of receipt of certified copy of this order subject to sanction of the supplementary demand and subject to the provisions of law.

8. Accordingly, the writ petition stands disposed of.

9. Interim orders if any stands merged.

JUDGE

Comparing Assistant