

GAHC010057062024



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

Case No. : WP(C)/1713/2024

AKSHOY CH SARMA
S/O- LATE UDAY CH. SARMA,
RESIDENT OF PARAMANANDA DALOI PATH,
WARD NO.- 3, POLICE STATION- RANGIA,
DISTRICT- KAMRUP, ASSAM, PIN- 781354.

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE COMMISSIONER AND SPECIAL SECRETARY TO
THE GOVERNMENT OF ASSAM,
PUBLIC WORKS (ROADS) DEPARTMENT,
DISPUR, GUWAHATI-6.

2:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
ASSAM
FINANCE DEPARTMENT
DISPUR
GUWAHATI-6.

3:THE CHIEF ENGINEER
P.W.D. (ROADS)
ASSAM
CHANDMARI
GUWAHATI-3.

4:THE EXECUTIVE ENGINEER
P.W.D. NORTH KAMRUP TERRITORIAL ROAD DIVISION
RANGIA
DISTRICT- KAMRUP
ASSAM.

5:THE PRINCIPAL ACCOUNTANT GENERAL (A AND E)
ASSAM
MAIDAMGAON
BELTOLA
GUWAHATI-29

Advocate for the Petitioner : MR. C BHATTACHARYYA

Advocate for the Respondent : SC, PWD

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

01.04.2024

Heard Mr. C. Bhattacharyya, learned counsel for the petitioner. Also heard Mr. P. Nayak, learned Standing Counsel, PWD for the respondents No. 1, 3 & 4; Mr. R. Borpujari, learned Standing Counsel, Finance for the respondent No. 2 and MR. B. Sarma, learned Standing Counsel, Accountant General for the respondent No. 5.

2. The petitioner is before this Court claiming his financial benefits due to him when he rendered his services under the Office of the Executive Engineer, PWD, Rangia, (Roads). The petitioner was appointed as Lower Division Assistant under the Office of the erstwhile Executive Engineer, PWD, Rangia, (Roads Division) on 20.06.1984. Subsequently, he was promoted to the post of Upper Division Assistant on 31.12.1994 in the same Office.

3. By the Office order dated 26.02.2019, the petitioner was allowed to take over charge as Head Assistant. He served as a Divisional Head Assistant till his superannuation without any financial benefits.

4. The learned counsel for the petitioner submits that since the petitioner was temporarily allowed to take over charge of the Divisional Head Assistant in

addition to his normal duties, he was entitled to certain financial benefits under provisions of the Fundamental Rules. The learned counsel for the petitioner submits that since he was permitted to hold charge of the Division, however, the financial benefits which ought to have been granted to him for the services rendered by holding charge of the Divisional Head Assistant under the Office of the Executive Engineer, PWD, Rangia, (Roads). However the same having not been released, the petitioner represented before the Authorities concerned, but his representations have not been disposed of. Having no alternative, the petitioner is before this Court seeking a direction to issue necessary orders to the respondents.

5. The learned Standing Counsel submits that he has no instructions. He however submits that the matter may be examined by the respondent Department and if any representation is found to be pending the same can be directed to be disposed of.

6. Considering the limited prayer of the writ petitioner and also taking into considerations the fact that the writ petitioner has preferred a representation dated 08.05.2023 which is stated to be pending before the Commissioner and Special Secretary to the Government of Assam.

7. Taking into consideration the submissions made at the Bar, this Court is of the view that at this stage the writ petition can be disposed of with a direction to the Commissioner and Special Secretary, PWD to expeditiously consider and dispose of the representation which was filed by the writ petitioner dated 08.05.2023 and there upon the Commissioner and Special Secretary will examine the claims of the writ petitioner and if it is found that the financial benefit as prayed for is entitled to be released to the petitioner that the proposal to that effect be initiated and upon receipt of the new sanction the same can be

released to the petitioner. The entire exercise will be undertaken by the Commissioner and special Secretary as directed above within a period of 60 (sixty) days from the date of receipt of a certified copy of this order.

8. The petitioner will file a certified copy of this order before the Commissioner and Special Secretary along with the copy of the writ petition and enclosures.

9. With the above observations the writ petition stands disposed of. No order as to cost.

JUDGE

Comparing Assistant