

GAHC010078552020



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

Case No. : WP(C)/2388/2020

GOBINDA RAJBANGSHI
S/O- LT. GANGARAM RAJBANGSHI, R/O- H.NO. 14, SARBODAI NAGAR,
LALMATI, BORSOJAI, P.O. AND P.S. BASISTHA, GHY-29 DIST.- KAMRUP (M),
ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS.
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM, SOIL
CONSERVATION DEPTT., DISPUR, GHY-6, ASSAM

2:THE DIRECTOR
SOIL CONSERVATION
GHY-6
DIST.- KAMRUP (M)
ASSAM

3:THE MANAGING DIRECTOR
ASSAM PLANTATION CROPS DEVELOPMENT CORPORATION LTD.
OPP. SARUSAJAI NATIONAL STADIUM COMPLEX
SAWKUCHI
N.H.- 37
LAKHARA
GHY-40
DIST.- KAMRUP (M)
ASSAM

4:MD. OMAR ALI BADSHAH
ACS (MANAGING DIRECTOR)
ASSAM PLANTATION CROPS DEVELOPMENT CORPORATION LTD.
OPP. SARUSAJAI NATIONAL STADIUM COMPLEX
SAWKUCHI

N.H.- 37
LAKHARA
GHY-40
DIST.- KAMRUP (M)
ASSA

Advocate for the Petitioner : MR. R K BORAH

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA**

ORDER

Date : 08-05-2024

Heard Ms. A. Bhattacharya, learned counsel for the petitioner as well as Mr. T. Deuri, learned counsel appearing on behalf of Mr. R.S. Deuri, learned standing counsel for the Soil Conservation Department appears for all the respondents.

2. The learned counsel for the petitioner has submitted that when the writ petition was filed, the petitioner was agitated by not allowing him to join service despite the order reinstating him in service. However, during the pendency of the writ petition, the petitioner has been superannuated and therefore, she presses prayer no.2 of this writ petition for issuance of a direction upon the respondent authorities to release the outstanding arrear salary of the petitioner.

3. The learned counsel for the respondents had produced a copy of the order dated 05.02.2024 passed by this Court in WP(C) was arrayed as 1557/2023, wherein the petitioner herein was arrayed as the petitioner no.1.

4. Although the learned counsel for the petitioner projects that the said writ petition was only for claiming unpaid earned leave, but it appears from

paragraphs 6 and 7 of the said order that this Court had directed the respondents to release the salary dues of the petitioner within a period of 90 days.

5. Therefore the Court is of the considered view that the said order dated 05.02.2024 passed in WP(C) 1557/2023 also encompasses the claim made by the petitioner in prayer no.2 of the writ petition.

6. Therefore, this writ petition stands closed with a direction to the respondent authorities to comply with the directions issued by this Court in paragraph-7 of the order dated 05.02.2024, passed in WP(C) 1557/2023, within a time limit of 90 (ninety) days from the date of receipt of certified copy of this order for sanction of the supplementary demand for the arrear salary of the petitioner.

7. Accordingly, this writ petition stands closed.

JUDGE

Comparing Assistant