

GAHC010093222018



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

Case No. : WP(C)/2888/2018

SMT. PRANITA BARMAN
W/O- LATE RABINDRA NATH BARMAN, R/O- SHASTRI NAGAR, WARD NO.
16, P.O- BALADMARI, P.S- GOALPARA, ASSAM, PIN- 783121

VERSUS

THE STATE OF ASSAM AND 4 ORS
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT OF ASSAM,
DEPTT OF HANDLOOM AND TEXTILES, ASSAM, GUWAHATI-6

2:THE APEX WEAVERS AND ARTISANS CO-OPERATIVE FEDERATION
LIMITED
REP. BY THE CHAIRMAN ARTFED
GNB ROAD
AMBARI
GUWAHATI- 01

3:THE CHAIRMAN
ARTFED
GNB ROAD
AMBARI
GUWAHATI-1

4:THE MANAGING DIRECTOR
ARTFED
GNB ROAD
AMBARI
ASSAM

5:THE GENERAL MANAGER
ARTFED
GNB ROAD

AMBARI
GUWAHATI-

Advocate for the Petitioner : MR. U DUTTA

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

Date : 09.04.2024

Heard Mr. U. Dutta, learned counsel for the petitioner. Also heard Mr. A. Jahid, learned counsel for respondent No.2 to 5; Ms. A. Longkumer, learned counsel on behalf of Mr. R. Dhar, learned Standing counsel, Handloom and Textile Department.

2. This writ petition is filed by the petitioner praying for release of arrear salary payable to the deceased husband of the petitioner for the period May, 2011 to 17.11.2014. Late husband of the petitioner, namely, late Rabindra Nath Barman was an employee of the ARTFED as a Branch Manager in Goalpara Branch. The late husband of the petitioner during his lifetime approached the respondent authority for release of arrear salary for the period from May, 2011 to 17.11.2014. But the respondents authorities have not undertaken any action in this regard.

3. Notice in the matter was issued on 10.07.2018. The respondents ARTFED have also filed its affidavit stating financial hardship as the cause for non release of salary or arrear salaries in respect to its employees including the writ petitioner. In the affidavit there is an averment that there is no budgetary provision for salary of the employees of the ARTFED in the State Government

exchequer nor any financial assistance are received from the State Government on account of salary.

4. The revenue of the ARTFED is generated by sale of its products through the various sales center/branches located in various places of Assam. The ARTFED has also been receiving grants-in-aid for organizing various programs, like Expo, Exhibitions sponsored by the Central Government and the State Government. At present, the ARTFED is facing huge financial hardship and to overcome the same situation, the management of the ARTFED has represented before the Government seeking financial assistance/grants-in-aid.

5. In the affidavit it is stated that due to financial constraint the petitioner's late husband has only been paid Rs.20,000/- (Rupees twenty thousand) only towards the outstanding salary on 11.09.2013. As per the calculation enclosed to the affidavit, the total pending salary shown is Rs.6,51,938.55 (Rupees Six Lakh Fifty one Thousand Nine Hundred Thirty Eight and fifty five paisa) only after deduction of the amount of which had already been released.

6. Mr. R. Dhar, learned Standing counsel, Handloom and Textile Department, submits that instructions are awaited in this matter.

7. Considering the fact that there is a clear averment in the affidavit by the ARTFED that there is a financial constraint in the ARTFED and that they have approached the competent Department for grant of financial aid and release of grants-in-aid etc., this court is of the view that the matter requires consideration by the Government at the appropriate level for release of financial benefits by framing a scheme to tackle the issue of arrear salary and to pay other retiral benefits as may be able to the employees of ARTFED, including the late husband of the writ petitioner. The Department of Handloom and Textile will

submit its proposal received from the ARTFED with regard to the amount of financial aid required and place it before the Government at the appropriate level.

8. Any such scheme that is placed will take into consideration the financial involvement required for employees of the ARTFED, including persons similarly situated as the writ petitioner's husband. The scheme framed, and sanctioned by the Government, will ensure the financial benefits be conferred upon being received by the ARTFED, the financial dues of all employees including the late husband of the writ petitioner be released at the earliest. It is made clear that the department will be at liberty to call for fresh proposals from the ARTFED in order to include the total financial requirement for the ARTFED towards consideration for such release of financial benefit.

9. Writ petition is disposed of in terms of the above. No order as to cost.

JUDGE

Comparing Assistant