

GAHC010098922018



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

Case No. : WP(C)/3071/2018

RAJIM UDDIN MIA
S/O- LATE BAKRIDHAN MIA, VILL- BARIK NAGAR PT-II, P.O- SILCOORIE,
SILCHAR SADAR, ASSAM, PIN- 788011

VERSUS

THE UNION OF INDIA AND 4 ORS.
MIN OF SCIENCE AND TECHNOLOGY, DEPTT OF BIOTECHNOLOGY, REP.
BY THE SECRETARY, BLOCK II, 6TH FLOOR, CGO COMPLEX LODHI ROAD,
NEW DELHI- 110003

2:UNIVERSITY GRANTS COMMISSION
REP. BY ITS CHAIRMAN
BAHADUR SHAH JAFFER MARG
NEW DELHI- 110002

3:ASSAM UNIVERSITY
SILCHAR
REP. BY VICE CHANCELLOR
P.O- SILCOORIE
SILCHAR- 788011

4:THE FINANCE OFFICER
ASSAM UNIVERSITY
SILCHAR
PIN- 788011

5:P B MAZUMDER
PRINCIPAL INVESTIGATOR
PROFESSOR AND HOD
BIOTECHNOLOGY
ASSAM UNIVERSITY

SILCHAR
PIN- 78801

Advocate for the Petitioner : MR. S CHAUHAN

Advocate for the Respondent : ASSTT.S.G.I.

**BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR**

ORDER

Date : 18.03.2024

Heard Mr. S. Chauhan, learned counsel for the petitioner. Also heard Mr. S. C. Keyal, learned standing counsel, Assam University, Silchar appearing for the respondent No.3 and Mr. A. Chamua, learned standing counsel, UGC. None has appeared for the respondent No.5.

2. The grievance raised by the petitioner in the present proceeding pertains to the non-release of his wages for the period w.e.f. April, 2012 to March, 2014 in connection with his engagement as a Laboratory Assistant in DBT-Major Research Project in Department of Biotechnology, Assam University, Silchar.

3. The petitioner vide communication dated 05.11.2011 was appointed as a Laboratory Assistant in DBT Major Research Project entitled Molecular characterization of generic diversity of N_2 fixing Rhizobia of wild and cultivated legumes of Assam and Manipur” in Department of Biotechnology, Assam University, Silchar.

4. It is the contention of the petitioner that in terms of the said engagement he was entitled to a monthly salary of 5,000/- for a period of his service in the said project.

5. The petitioner regularly discharged his duty as assigned to him and the said aspect was also certified by the Principal Investigator vide his certificate dated 04.06.2014 wherein, it was stated that the petitioner had discharged his duty as a Laboratory Assistant w.e.f. 05.11.2011 to 31.03.2014. However, it is the case of the petitioner that the salary for the period April 2012 to March, 2014 has not been released to him. Faced with such situation, the petitioner had submitted a representation before the Vice Chancellor, Assam University, Silchar praying for

release of such salary.

6. Pursuant to the said representation as submitted by the petitioner, the Head of the Department of Biotechnology, Assam University vide communication dated 24.03.2015 informed the petitioner that the amount due would be released, as soon as the grant is received from the DBT. However, it is the contention of the petitioner that in spite of repeated assurance, his arrear salaries have not been released to him. As such, the petitioner has instituted the present proceeding praying for a direction to the respondent authorities for release of his due salary for the period from April, 2012 to March, 2014.

7. The facts as narrated hereinabove has not been disputed by the respondent University. However, it is the contention of the Standing Counsel of the University that the grants as due having not been released by the competent authority, the salary of the petitioner could not be released. In this connection, it is to be noted that vide communication dated 09.09.2016, the Head of the Department of Biotechnology and Principal Investigator had requested the Govt. of India, Ministry of Science & Technology, Department of Biotechnology for releasing the remaining of the grants related to the research projected undertaken in the said department, which was stated to have been successfully completed. The said communication was made in the year 2016. It is to be noted that the petitioner has not been released the arrear of his salaries even till date.

8. In view of the above, the Registrar, Assam University, Silchar is directed to take note of the grievance of the petitioner as raised in the present proceeding and on verifying the claim in the light of the certificate dated 04.06.2014 issued by the Principal Investigator of the project against which the petitioner was engaged as a Laboratory Assistant; assurance given to him vide communication dated 24.03.2015 as well as the communication dated 09.09.2016, to take steps for release of the salary of the petitioner from the period from April, 2012 to March, 2014. The Registrar, Assam University for the said purpose shall involve the Principal Investigator, the Head of the Department of Biotechnology and thereafter proceed to issue necessary directions for release of the due salary of the petitioner in arrear since April, 2012 to March, 2014.

9. The above exercise shall be initiated and completed by the Registrar, Assam University

within a period of 90 days from the date of receipt of the certified copy of this order.

10. It is needless to say that in the event, the grants as due have not been released by the competent authority, the Registrar shall intimate such authority about the direction passed by this Court and require the said authority to release the due amount to the University for disbursal of salary to the petitioner.

11. The petitioner shall furnish a certified copy of this order to the Registrar, Assam University, Silchar for taking the matter forward action.

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

JUDGE

Comparing Assistant