

GAHC010112552024



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

Case No. : WP(C)/2938/2024

MD. IBRAHIM ALI
SON OF LATE HAZI YAR UDDIN, RESIDENT OF FLAT NO.3, MIG, BUILDING
NO.2, ASSAM STATE HOUSING BOARD COLONY, GOLAGHAT, P.O. AND P.S.
GOLAGHAT, PIN- 785621, DISTRICT GOLAGHAT, ASSAM

VERSUS

THE ASSAM STATE HOUSING BOARD AND 2 ORS
REPRESENTED BY ITS COMMISSIONER R.G. BARUAH ROAD, GUWAHATI-5

2:THE CHAIRMAN
ASSAM STATE HOUSING BOARD
R.G.BARUAH ROAD
GUWAHATI-5

3:THE COMMISSIONER
ASSAM STATE HOUSING BOARD
R.G.BARUAH ROAD
GUWAHATI-

Advocate for the Petitioner : MR. S BORA

Advocate for the Respondent : SC, A S H B

BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM

ORDER

24.07.2024

Heard Mr. S. Bora, learned counsel appearing for the writ petitioner. Also
heard Mr. T. R. Gogoi, learned Standing Counsel, Assam State Housing Board

appearing for the respondents.

2. The writ petitioner herein is a retired employee who had served the Assam State Housing Board (ASHB), Guwahati. The petitioner retired from service on 30.11.2019 as Assistant Engineer, Zonal Housing Office, Dibrugarh. Pursuant to his retirement, the petitioner claims to be entitled to Rs.14,70,160/- as his retiral dues from the Board. However, according to the ASHB, the petitioner is entitled to an amount of Rs.12,40,160/- only as retirement benefit. The ASHB has, however, not disputed the entitlement of the petitioner to retiral benefits to the above extent.

3. Mr. Bora, learned counsel for the petitioner submits that his client is willing to accept the determination made by the Board. However, a direction ought to be issued by this Court to release the amount expeditiously since non-payment of retirement benefit is posing serious difficulties to the petitioner.

4. Responding to the above submission, Mr. Gogoi, learned Standing Counsel, ASHB submits that the Board is not averse to paying the retirement dues to the petitioner and other similarly situated retired employees. However, since there are a large number of claims and there is resource crunch and also considering the fact that similar orders have been passed by this Court in a number of cases which are being implemented by the Board simultaneously, Mr. Gogoi has prayed for an order permitting the Board to pay the retirement dues to the petitioner on instalment basis.

5. After going through the materials on record, it appears that this Court has already passed orders granting liberty to the Board to make payment of retirement dues on instalment basis, subject, however, to the payment of interest at the rate of 7% per annum on the reducing balance. On 24.04.2024

this Court had passed an order in the case of a similarly situated retired employee of the Board in the case of **Anima Bharali Vs. The Assam State Housing Board and 2 others** [WP(C) No.765/2024] permitting instalment payment of retirement dues after taking note of similar submissions made by the learned counsel for both the sides. The observations made in paragraphs 5, 6 and 7 of the said order are relevant for the purpose of this case and are therefore, reproduced herein below :-

“5] The learned counsel appearing on behalf of the respondents taking into account the claim so made by the petitioner has submitted upon instructions that the respondents are ready to pay the amount of Rs.13,16,080/- (Rupees Thirteen Lakhs Sixteen Thousand Eighty) along with interest @7% on reducing balance from the date of the instant order in 12 equal installments starting from the month of April, 2024 and ending on 31.04.2024. The learned counsel for the petitioner submits on instructions that he has no objection.

6] Taking into account the said consensus, the instant petition therefore stands disposed of with a direction to the respondent Nos. 1, 2 & 3 to pay the amount of Rs.13,16,080/- (Rupees Thirteen Lakhs Sixteen Thousand Eighty) along with interest @7% from the date of the instant order on reducing balance to the petitioner in 12 equal installments starting from the month of April, 2024. The entire amount has to be liquidated by the respondent Nos. 1, 2 and 3 by 31.03.2025.

7] The learned counsel appearing on behalf of the petitioner submits that the petitioner shall submit the details of her Bank Account to the respondent No.3 by 29.04.2024 and the said amount as above directed shall be paid to the account of the petitioner.”

6. Since the learned counsel for both the sides are in agreement that a similar order can be passed in the present case as well, I dispose of this writ petition by providing that the admitted retirement dues of the petitioner shall be

paid in 12 (twelve) equal instalments commencing from 1st of August, 2024 with one instalment in every succeeding month, till disbursal of the entire amount. Interest at the rate of 7% per annum on reducing balance would be applicable on the unpaid dues. The amount payable to the petitioner shall be deposited directly in his bank account, the particulars of which will be furnished by him to the competent authority of the Board on or before 30th July, 2024. It is made clear that if the respondents fail to comply with this payment schedule, then, in that event, over and above other legal consequences that may ensue in the matter, the Board may also be liable to pay additional interest and compensation.

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

JUDGE

Comparing Assistant