

GAHC010115262015



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

**Case No. : WP(C)/2193/2015**

SMTI GITANJALI BARUAH  
W/O- LT. SUBRATA BARUAH, R/O- SURVEY, BELTOLA, P.O.- BELTOLA, P.S.-  
DISPUR, DIST.- KAMRUP M, ASSAM.

VERSUS

THE STATE OF ASSAM AND 4 ORS  
TO BE REP. BY THE COMMISSIONER and SECY. TO THE GOVT. OF ASSAM,  
PUBLIC WORKS DEPTT., DISPUR, GHY- 6.

2:THE COMMISSIONER and SECY. TO THE GOVT. OF ASSAM  
PUBLIC ENPRISES DEPTT.  
GHY- 6.

3:THE COMMISSIONER and SECY. TO THE GOVT. OF ASSAM  
FINANCE DEPTT.  
GHY- 6.

4:THE ASSAM GOVT. CONSTRUCTION COMPANY LTD.  
RUPNAGAR  
GHY- 32  
P.O.- RUPNAGAR  
DIST.- KAMRUP M  
ASSAM.

5:THE MANAGING DIRECTOR  
GOVT. CONSTRUCTION COMPANY LTD.  
RUPNAGAR  
GHY- 32  
P.O.- RUPNAGAR  
DIST.- KAMRUP M  
ASSAM

**Advocate for the Petitioner** : MR.L MOHAN, MRH I CHOUDHURY,MR.J I BORBHUIYA,MS.F BEGUM,MR.K H CHOUDHURY

**Advocate for the Respondent** : MR.A ACHARYAR-4and5, MR.S K GOSWAMI(R-4&5),SC, FINANCE(R3),SC, PWD(R1),GA, ASSAM(R2)

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

**ORDER**

**Date : 31.07.2024**

Heard Mr. J. I. Borbhuiya, learned counsel for the petitioner. Also heard Mr. A. Kalita, learned counsel appearing for the respondents no. 1 & 2 and Mr. P. Naik, learned counsel appearing for the respondent no. 3 as well as Mr. S. K. Goswami, learned counsel representing the respondents no. 4 & 5.

**2.** The petitioner herein contends that in terms of a notification dated 10.06.2004, the husband of the petitioner, who had opted for voluntary retirement, was to be authorized his dues in the following manner:-

- (i) Ex gratia benefit of 30 days salary*
- (ii) Gratuity as per Gratuity Rules; and*
- (iii) 50% leave encashment benefits.*

**3.** However, the said notification dated 10.06.2004 was subsequently amended by another notification dated 15.02.2006; wherein, the manner of calculation of the voluntary retirement dues was modified.

**4.** It is to be noted that the husband of the petitioner herein, being aggrieved by the subsequent notification dated 15.02.2006, had instituted proceeding before this Court in WP(C)/5531/2010.

**5.** This Court had considered the issue arising in the said writ petition filed by the petitioner herein, along with other analogous matters, and vide order dated 11.12.2014, was pleased to dispose of the same with the following observations and directions:-

*“The bone of contention between the parties appears to be that the Corporation insisted the VRS as per the second notification whereas, the petitioner contends that they will give up all the claims in all the three writ petitions except the claim for money, which they are entitled to and the benefits of VRS under the first notification and also the arrear of salary of the petitioner in WP(C)/1157/2009. It is said that the entire amounts due have been paid to the petitioners as per the second notification.*

*It becomes evident that the petitioners having accepted the VRS according to the first notification, they are entitled to the benefits as per the first notification and should be paid accordingly. If the petitioners are entitled to any excess amount by virtue of the first notification, the same shall be payable to the petitioners and the respondents shall pay the same to the petitioners by calculating the amounts payable under the first notification and deducting the amount already paid by virtue of the second notification. The monetary claim payable to the petitioners as per the VRS scheme should be settled within three months so also the additional claim of the petitioner in WP(C) No. 1157/2009 towards the arrears of salary should also be settled within three months.”*

**6.** It is seen that the respondent no. 4 being aggrieved by the directions as passed by the Co-ordinate Bench of this Court, vide the said

order dated 11.12.2014, had instituted a writ appeal being WA/159/2015 before this Court. The said writ appeal was taken up for consideration and this Court, vide order dated 18.04.2017, proceeded to reject the challenge as presented to the directions passed by the learned Single Judge.

**7.** The respondent no. 4 thereafter, assailed the order of the Division Bench by instituting proceeding before the Hon'ble Supreme Court and, on consideration made, the same also came to be dismissed vide the order dated 07.11.2023.

**8.** In view of the above position, the claim of the petitioner herein, for authorizing to her the VRS dues in respect of the services of her husband *Late Subrata Baruah* in terms of the notification dated 10.06.2004, stands upheld.

**9.** Accordingly, the respondents, more particularly, the respondents no. 2 & 3 are hereby directed to compute the VRS dues of the husband of petitioner, strictly, in accordance with the notification dated 10.06.2004 and to release the same to the petitioner after deducting the amounts already released to the husband of the petitioner and/or to the petitioner in this connection.

**10.** The VRS dues of her deceased husband, as now receivable by the petitioner herein, be computed in the manner indicated above and be released to her within a period of 3(three) months from the date of receipt of a certified copy of this order.

**11.** With the above observations and directions, the writ petition stands disposed of.

**JUDGE**

**Comparing Assistant**