

GAHC010127692017



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

Case No. : Cont.Cas(C)/213/2017

REKHA DEVI
W/O- SRI HANGSHA SARMAH, R/O- MORIDHAL CHARIALI, P.O-
MORIDHAL IN THE DISTRICT OF DHEMAJI, ASSAM

VERSUS

PRITAM SAIKIA
COMMISSIONER AND SECRETARY TO THE GOVT OF ASSAM,
EDUCATIONELEMENTARY DEPARTMENT, DISPUR, GUWAHATI-5, ASSAM

Advocate for the Petitioner : MR.A K MAHESWARI

Advocate for the Respondent : MS.K GOGOI

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

ORDER

Date : 18.06.2024

Heard Mr. A. K. Maheshwari, learned counsel for the petitioner. Also heard Mr. U. Sharma, learned counsel appearing on behalf of Mr. A. Phukan, learned counsel for the respondents.

The respondents have placed before this Court a communication dated 15.06.2024, by which, it has been highlighted that the amount as sanctioned being the arrear salary of the petitioner amounting to Rs. 1,53,387/- has already been drawn and disbursed to the petitioner and she has received the same.

Mr. A. K. Maheshwari, learned counsel however, referring to the order dated 07.12.2016 has submitted that the respondent authorities not having released the arrear salary in terms of the directions passed by this Court within a period of 2(two) months thereof, this Court had directed that the amount so receivable by the petitioner shall carry an interest of 6% p.a., which would be borne by the Commissioner and Secretary of the Department concerned.

In view of the particulars placed before this Court to the extent that the arrear salaries of the petitioner has been released, this Court finds that there is substantial compliance of the directions passed by this Court and accordingly, holds that there is no willful and/or deliberate violation of the directions passed by this Court in the matter.

However, with regard to the issue of the petitioner being entitled to receive 6% p.a. interest on the amount due, in terms of the directions passed by this Court vide order dated 07.12.2016, this Court permits the petitioner to approach the respondents authorities by way of representation praying for authorizing to her the amounts due, on application of 6% p.a. interest as directed by this Court on the arrears as receivable by her in the matter.

In the event of such representation being filed, the respondent authorities shall consider the same and release to the petitioner the amounts due on account of the application of interest as noticed above, within a period of 2(two) months from the date of receipt of such representation.

With the above observations, the contempt petition stands closed.

A copy of the communication dated 15.06.2024, as produced is kept on record and marked as 'X' for identification.

JUDGE

Comparing Assistant