

GAHC010160932023



2024:GAU-AS:11581

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

Case No. : WP(C)/4230/2023

SYED AZIMUDDIN AHMED
913284939 CT
SON OF - LATE SYED ASIMUDDIN AHMED,
RESIDENT OF VILLAGE- HARIPUR (CHOKPARA),
POST OFFICE- BAHARIHAT,
DIST.- BARPETA, ASSAM.
PIN- 781302.

VERSUS

THE UNION OF INDIA AND 5 ORS.
TO BE REPRESENTED BY THE SECRETARY,
MINISTRY OF HOME AFFAIRS,
NEW DELHI- 110001.

2:THE DIRECTOR GENERAL OF CRPF
C.G.O. COMPLEX BLOCK NO. 1 LODHI ROAD NEW DELHI- 110011.

3:THE INSPECTOR GENERAL C.S. CRPF LUCKNOW UTTAR PRADESH
PIN 226001.

4:THE DEPUTY INSPECTOR GENERAL CRPF ALLAHABAD
UTTAR PRADESH PIN- 211003.

5:THE COMMANDANT 123 BN CRPF MOKOKCHUNG NAGALAND
PIN- 798601.

6:THE COMMANDANT 123 BN CRPF CENTRAL HOSPITAL
POST OFFICE- BEHARBELI DISTRICT- BALAGHAT
MADHYA PRADESH (INDIA) PIN- 481001

Advocate for the Petitioner : MR. M K SARMA, S A AKIB,MR. A MOBARAQUE
Advocate for the Respondent : DY.S.G.I., MR. B CHAKRAVARTY

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

ORDER

Date : 25.11.2024

Heard Mr. M. K. Sarma, learned counsel for the petitioner. Also heard Mr. B. Chakravarty, learned CGC, appearing on behalf of the respondents.

Mr. Sarma, learned counsel, at the outset, has submitted that the present writ petition be limited to the prayer of the petitioner for release of the GPF, CGEGIS and Risk Fund amounts due to him pursuant to his service being dismissed by the respondent authorities.

The respondent authorities have filed an affidavit-in-opposition in the matter and therein, have submitted that the dues as claimed by the petitioner, herein, has already been released to him. The contentions raised by the respondent authorities in the said affidavit-in-opposition, being relevant, is extracted hereinbelow:

“v) Now, after the lapse over around 22 years, the petitioner has filed the present writ petition before this Hon'ble High Court with prayer to direct the respondents to release his terminal dues. In this regard it is submitted that the petitioner was awarded with the punishment of Removal from Service and hence he was only entitled for the GPF, CGEGIS and Risk Fund amount. The amount of GPF Rs. 23641/- had already been paid to the petitioner vide BD No. 0504-674943 dated 22/01/2004. Further the Risk Fund final payment Rs. 8,379/- has also been paid to the petitioner on 09/11/2023 and the amount of CGEGIS Rs. 4928/- paid to the petitioner on 25/01/2024. After the punishment of removal from service, the petitioner never filled requisite forms so that the final payment of CGEGIS and Risk Fund could be disbursed to him. The delay and latches is strictly on the part of petitioner only. From 2003 to 2016, the petitioner was indulged himself in various litigations but never submitted the forms for the final payment of CEGGIS and Risk Fund to the concerned authority. The petitioner himself also not raised any objections / prayer related to non grant of final payment of CGEGIS and Risk Fund during previous rounds of litigations and now after around 22 years, the petitioner approached this Hon'ble High Court with the misleading facts that there is no delay on his part.”

The above statements made by the respondents have not been disputed by the petitioner by way of filing an affidavit-in-reply.

Accordingly, the petitioner having been extended with the reliefs as sought for by him in the writ petition and also it being stated that the delay so occasioning in release of the amounts involved to the petitioner, under the Head - GPF, CGEGIS and Risk Fund, is on account of the laches on his part, in applying for the same in the manner required; this Court rejects the prayer of the petitioner for being granted interest for the amounts due under the said accounts.

At this stage, Mr. Sarma, learned counsel, has submitted that while the petitioner has received the amounts sanctioned under the Head - GPF and Risk Fund, the amount so sanctioned by the authorities under the Head - CGEGIS, has not been received by the petitioner, which averment, however, has been disputed by the learned CGC, and has submitted that the amounts due to the petitioner, have duly been paid to the petitioner, herein.

Be that as it may, in the event, the petitioner, herein, has not received the amount of Rs. 4,928/- sanctioned to him by the respondent authorities under the Head - CGEGIS; it will be open to the petitioner to approach the respondent authorities by way of filing a representation claiming the same.

The respondent authorities, in the event of receipt of any such representation of the petitioner, shall consider and dispose of the same and communicate the result thereof, to him within a period of 3(three) months from the date of receipt of such representation.

With the above directions and observations, this writ petition accordingly stands disposed of.

JUDGE

Comparing Assistant