

GAHC010176962022



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

Case No. : WP(C)/5745/2022

SUJA HUSSAIN MAZUMDER
S/O. LT. HABIBUR RAHMAN MAZUMDER, WARD NO.14, HAILAKANDI
TOWN, P.O. LAKSHMI SAHAR, P.S. HAILAKANDI, DIST. HAILAKANDI, PIN-
788152.

VERSUS

THE STATE OF ASSAM AND 3 ORS
TO BE REP. BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM,
PANCHAYAT AND RURAL DEVELOPMENT DEPTT., DISPUR, GUWAHATI-06.

2:THE UNDER SECRETARY

GOVT. OF ASSAM
PANCHAYAT AND RURAL DEVELOPMENT DEPTT.
DISPUR
GUWAHATI-06.

3:THE COMMISSIONER

PANCHAYAT AND RURAL DEVELOPMENT
JURIPAR
PANJABARI
GUWAHATI-37.

4:THE BLOCK DEVELOPMENT OFFICER

SAPEKHATI DEVELOPMENT BLOCK
DIST. CHARAIDEO
PIN-785692

Advocate for the Petitioner : MR. B J GHOSH

Advocate for the Respondent : SC, P AND R.D.

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

05.02.2024

Heard Mr. AMS Mazumder, learned counsel for the petitioner. Also heard Mr. P. Handique, learned Standing Counsel, P&RD.

2. This writ petition is filed by the petitioner who is employed as an Extension Officer (Credit) under the Panchayat & Rural Development Department, Assam. Presently he is employed and posted at Sapekhati Development Block, Charaideo District. While the petitioner was serving earlier under the Udharban Development Block and was allowed to hold in-charge of Block Development Block Officer, Katigorah Development Block of Cachar District, he was placed under suspension vide order dated 06th August 2021. Subsequently, by order dated 08.12.2021, the petitioner was reinstated in service and posted at Sapekhati Development Block, Charaideo District.

3. It is submitted by the learned counsel for the petitioner that although the petitioner submitted his joining report and had been continuing in his service at Sapekhati Development Block in Charaideo District but his monthly salary from the date of joining has not been released to him allegedly by the BDO, namely the respondent No. 4. The learned counsel for the petitioner submits that the joining report initially has not been accepted by the BDO and he was not allotted any work. Subsequently, the same was accepted by the BDO but notwithstanding that his monthly salary for the period 27.12.2021 to May, 2022 has not been released.

4. The learned Standing Counsel, P&RD submits that the department has filed their affidavit and on the basis of the averments made in the affidavit, it is submitted that the petitioner has refused to attend to his work and consequently his monthly salary was stopped by the BDO for not attending to his official duties.

5. Upon careful perusal of the petition, it is seen that there are several representations preferred by the petitioner before the Commissioner and Secretary, Department of P&RD and which according to the petitioner has not been disposed of. In the affidavit filed, there is no averment relating to those representations filed before the Commissioner & Secretary, Department of P&RD. The petitioner has filed his rejoinder affidavit wherein it is reiterated that the BDO did not accept his joining letter.

6. Having heard the learned counsel for the parties, it is seen that the matter is pending before the Court for a direction to the respondent authorities for release of monthly salaries to the petitioner. The dispute has arisen as to whether the petitioner had joined in his services as per the order of transfer and has been attending to his duties. While the writ petitioner claims that he has been regularly attending in his duties, the Department in their affidavit filed by the Secretary, Department of Panchayat and Rural Development as well as by the concerned BDO has disputed the contention of the petitioner that he has joined in his Official duties rather it is stated in their counter affidavit that the petitioner did not join in his duty and absented himself from his official duties inspite of several intimations being issued by the BDO. Since, the dispute between the petitioner and the department appears to be essentially of facts it requires verification of the claims of the petitioner by the Department at the first instance. Considering that there are representations stated to be pending before

the Principal Secretary, Department of Panchayat and Rural Development, this Court is of the view that the writ petition can be disposed of with a direction to the respondent No. 1, namely, Principal Secretary, Government of Assam, Panchayat and Rural Development to look into the grievances raised by the petitioner by way of his representation stated to have been filed on 21.06.2022. The respondent No. 1 will thereafter hear the matter and pass a speaking order. Any order that is passed a copy thereof shall be served on the writ petitioner.

7. The entire exercise shall be completed within a period of thirty (30) days from the date of receipt of certified copy of this order. After upon examination/verification of the matter if it is found that the monthly salary has not been released to the petitioner then the same shall be released without further delay.

8. In view of the above observation, the writ petition stands disposed of.

JUDGE

Comparing Assistant