

GAHC010210292015



undefined

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

Case No. : Cont.Cas(C)/118/2015

RATIKANTA NATH LASKAR
S/O- LT. RAMONI MOHON NATH LASKAR, VILL.- BAROMONI, P.O.-
NARSINGPUR, DIST.- CACHAR, ASSAM.

VERSUS

UDDAB CHANDRA DAS AND ANR
THE DIRECTOR OF ELEMENTARY EDUCATION, ASSAM, KAHILIPARA,
GHY- 19.

2:SANJIB KUMAR BHUYAN
DIRECTOR OF ELEMENTARY EDUCATION
DEPARTMENT OF EDUCATION
GOVERNMENT OF ASSAM
KAHILIPARA
GUWAHATI-19 (IMPLEADED AS PER ORDER DATED 05-02-2019 IN IA(C) 5-
2019

For the applicant (s) : Mr. T. U. Laskar, Advocate

For the respondent (s) : Mr. S. M. T. Chistie,
SC, Elementary Education

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH
O R D E R

13.12.2024

Heard Mr. T. U. Laskar, the learned counsel for the petitioner. Mr. S. M. T. Chistie, the learned counsel appears on behalf of the Elementary Education Department.

2. This Court has duly perused the order dated 16.10.2012 passed in WP(C) No.4144/2011 against the violation of which the instant contempt proceedings have been initiated. A perusal of the order dated 16.10.2012 shows that there was a direction being issued to the Director to scrutinize the claim of the petitioner and pass necessary order within a period of 45 days from the date of production of the certified copy of the order by the petitioner before the said authority. It was further directed that the Director shall also consider the grievances of the petitioner relating to increment due in the year 2003 and 2004 which according to the petitioner has not been given.

3. Mr. S. M. T. Christie the learning counsel appearing on behalf of the Elementary Education Department has placed before this Court an order dated 19.01.2024 passed by the Secretary to the Government of Assam, Department of School

Education and in the said order, it has been categorically mentioned that the appointment of the petitioner was made under the condition that the adjustment is made on condition that he/she never claim the arrear salary for his or her post past service as rendered. It has also been mentioned in the said order that the past service of the petitioner would be counted for pensionary benefit as per the order of the Government. Additionally, it was also stated that the claim for arrear salary does not arise. The said order which has been submitted during the course of hearing is kept on record and marked with the letter "X".

4. In view of the order dated 19.01.2024, it is the opinion of this Court that the order passed by this Court dated 16.10.2012 in WP(C) No.4144/2011 has already been complied with.

5. Accordingly, the instant contempt proceedings stands dropped.

6. The petitioner, if so aggrieved, would be at liberty to assail the same, if otherwise permissible under law.

JUDGE