

GAHC010220662023



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

Case No. : WP(C)/5925/2023

NUMAL SAIKIA
SON OF LATE UMA KANTA SAIKIA,
R/O- VILL- PENPENICHUK,
P.O. AND P.S.- BATGHARIA,
DIST.- DHEMAJI, PIN- 781006.

VERSUS

THE COMMISSIONER AND SECRETARY AND 3 ORS.
WELFARE OF PLAIN TRIBES AND BACKWARD CLASSES
DISPUR, GUWAHATI- 781006.

2:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
FINANCE DEPTT.

DISPUR
GUWAHATI-6.

3:THE DIRECTOR WELFARE OF PLAINS TRIBES AND BACKWARD
CLASSES ASSAM
RUKMINIGAON
P.O.- DISPUR

GHY- 781006
GOVT. OF ASSAM.

4:THE ASSAM PLAINS TRIBES DEVELOPMENT CORPORATION LIMITED
REPRESENTED BY ITS MANAGING DIRECTOR

GANESHGURI
DISPUR
GUWAHATI- 781006

ASSAM

Advocate for the Petitioner : MS. D SONOWAL

Advocate for the Respondent : SC, WPT AND BC

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

24.01.2024

Heard Ms. D. Sonowal, learned counsel for the petitioner and Mr. R. Dhar, learned Government Advocate for the respondent Nos. 1, 3 and 4. Also heard Mr. R. Borpujari, learned counsel for the respondent No. 2 and Mr. A. Sarma, learned Standing Counsel, APTDC for the respondent No. 4.

2. This writ petition has been filed by the petitioner seeking direction on this Court that in spite of being superannuated on 31.01.2023, his arrear salary, gratuity and other retirement benefits have not been paid by the authority in spite of requests made by the petitioner.

3. The petitioner was an employee of the Assam Plains and Tribes, Development Corporation, namely respondent No. 4 herein. The learned counsel for the petitioner submits in spite of several representations made, the arrear salary, gratuity and other retirement benefits have not been released. The learned counsel for the petitioner submits that similar writ petition was disposed of by this Court vide order dated 25.10.2021 passed in W.P(C) No. 5584/2020, whereby similarly situated person had approached this Court making similar prayers and this Court vide order dated 25.10.2021 disposed of the writ petition directing the Assam Plains and Tribes, Development Corporation to examine the

claim of the petitioner and pass appropriate orders.

4. Mr. R. Dhar, learned Government Advocate for the respondent Nos. 1 & 3 submits that instructions are awaited with regard to the claims made by the petitioner. The learned counsels for the parties are in agreement that the writ petition can be disposed of in terms of the said order being passed by this Court.

5. In W.P.(C) No. 5636/2016 and other connected writ petitions, the claims raised by the petitioners for arrear salary, gratuity and other retiral benefits were examined by the respondent Corporation and thereafter the claims settled and amount payable had been disbursed. Accordingly, those writ petitions were disposed of by order dated 22.01.2024 by this Court. In the present writ petition, the petitioner is making similar claims for release of arrear salary, gratuity and other retiral benefits. The writ petitioner is also an employee of the respondent Corporation and is therefore similarly situated like the petitioners in W.P.(C) No. 5636/2016 and other connected writ petitions.

6. Accordingly, this Court is of the considered view that this writ petition can be disposed of at this stage. The writ petition is therefore disposed of with a direction to the respondent No. 4, namely, Assam Plains and Tribes, Development Corporation Limited represented by its Managing Director, Ganeshguri, Dispur, Guwahati-06 to examine the claims of the petitioner and release the arrear salary, gratuity and other retirement benefits due to the petitioner. The respondent No. 4, namely, Assam Plains and Tribes, Development Corporation Limited will examine the claim and pass a speaking order in respect of the claims made by the petitioner for release of arrear salary, gratuity and pensionary benefits.

7. The entire exercise shall be completed by the respondent No. 4 within a period of six weeks from today. The petitioner is permitted to submit a certified copy of this order along with a copy of the writ petition, if so advised, before the authority and necessary orders as directed above shall be passed by the authority concerned.
8. Needless to say, if the Corporation finds any financial difficulties then liberty is granted to them to approach the Government for requisition of necessary funds.
9. Accordingly, this writ petition stand disposed of in terms of the above.

JUDGE

Comparing Assistant