

GAHC010097982024



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

Case No. : I.A.(Civil)/3482/2024

KHAGENDRA DAS
S/O- LATE RUDRA DAS

R/O- VILLAGE- KARIA

P.O- ULABORI

P.S- NALBARI

PIN-781339

DIST-NALBARI
ASSAM

VERSUS

STATE OF ASSAM AND ORS
REP. BY THE SECRETARY TO THE GOVERNMENT OF ASSAM
SECONDARY EDUCATION
DEPARTMENT OF SCHOOL EDUCATION
DISPUR
JANATA BHAWAN
GUWAHATI-6

2:THE DIRECTOR OF SECONDARY EDUCATION

ASSAM
KAHILIPARA
GUWAHATI-781019

3:THE INSPECTOR OF SCHOOLS

NDC
NALBARI
DIST- NALBARI
ASSAM

4:DISTRICT COMMISSIONER
NDC

NALBARI

DIST- NALBARI
ASSAM

5:DISTRICT COMMISSIONER
NDC

NALBARI

6:THE SECRETARY
OF FINANCE
ASSAM
DISPUR
GHY-06

7:THE ACCOUNTANT GENERAL
ASSAM
MAIDAMGAON
BELTOLA
GUWAHATI-29

8:THE DIRECTOR
OF PENSION
ASSAM

9:THE TREASURY OFFICER
NALBARI
DIST- NALBARI
ASSAM

10:DILIP CHANDRA KALITA
S/O- KHAGENDRA CHANDRA KALITA
R/O- VILLAGE AND P.O- KARIA

DIST-NALBARI
ASSAM

Advocate for : MS. D DEKA
Advocate for : SC

SEC. EDU. appearing for STATE OF ASSAM AND ORS

**BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN**

ORDER

Date : 17.12.2024

Heard Mr. P.S. Deka, learned Senior Counsel assisted by Ms. D. Deka, learned counsel for the applicant. Also heard Ms. H. Terongpi, learned Standing Counsel for the opposite party Nos. 1 to 3, Mr. B. Deuri, learned counsel for the opposite party Nos. 3, 5 and 7 and Ms. A. Sarma, learned counsel for the opposite party No. 6.

2. This interlocutory application is preferred by the applicant, Sri Khagendra Das, for granting leave to him to draw his monthly salary on the basis of earlier stepping up order dated 02.09.2013, passed by the opposite party No. 2, or on the basis of the order dated 04.03.2024, passed by the opposite party No. 3.

3. Mr. Deka, learned Senior Counsel for the applicant submits that the applicant has challenged the correctness or otherwise of the order dated 04.03.2024, in the connected WP(C) No. 2636/2024 and since then, he could not prepare his bill and has been serving in the school without salary and facing much hardship in running his family and therefore, Mr. Deka submits that the applicant may be granted leave to draw his salary either as per order dated 02.09.2013 or as per order dated 04.03.2024, passed by the respondent authorities.

4. Ms. Terongpi, learned Standing Counsel for the opposite party Nos. 1 to 3 submits that she has no objection in the event of allowing the applicant to draw his salary as per the order dated 02.09.2013, however, subject to outcome of

the connected writ petition, being WP(C) No. 2636/2024.

5. Having heard the submissions of learned Advocates of both sides, I have carefully gone through the application and the documents placed on record, and also perused the orders dated 02.09.2013 and 04.03.2024.

6. It appears that the order dated 04.03.2024, is being challenged in the connected WP(C) No. 2636/2024. Taking note of the same and also considering the facts and circumstances on the record, this Court is inclined to allow this application.

7. Accordingly, the applicant is allowed to draw his monthly salary as per the order dated 02.09.2013, which of course is subject to outcome of the connected writ petition, being WP(C) No. 2636/2024.

8. In terms of above, this interlocutory application stands disposed of.

JUDGE

Comparing Assistant