

GAHC010236942019



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

**Case No. : WP(C)/7576/2019**

QUEEN DAS  
D/O SRI MADHUSUDAN DAS, R/O VILL-RAIPUR, P.O.-RAIPUR, DIST-  
BARPETA, ASSAM, PIN-781325

VERSUS

THE STATE OF ASSAM AND 4 ORS.  
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE  
GOVERNMENT OF ASSAM, HANDLOOM, TEXTILE AND SERICULTURE  
DEPARTMENT, DISPUR, GUWAHATI-6

2:ASSAM KHADI AND VILLAGE INDUSTRIES BOARD  
REPRESENTED BY THE CHIEF EXECUTIVE OFFICER  
CHANDMARI  
GUWAHATI-3

3:THE CHIEF EXECUTIVE OFFICER  
ASSAM KHADI AND VILLAGE INDUSTRIES BOARD  
CHANDMARI  
GUWAHATI-3

4:THE CHIEF ACCOUNTS OFFICER  
ASSAM KHADI AND VILLAGE INDUSTRIES BOARD  
CHANDMARI  
GUWAHATI-3

5:MADHUSUDAN DAS  
S/O LATE RATESSWAR DAS  
R/O VILL-RAIPUR  
P.O.-RAIPUR  
DIST-BARPETA  
ASSAM

PIN-78132

**Advocate for the Petitioner** : MR. K M HALOI

**Advocate for the Respondent** : MR J K PARAJULI (SC, HANDLOOM AND TEXTILE)

**BEFORE**  
**HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

**ORDER**

**26.04.2024**

Heard Mr. A.N. Ahmed, learned counsel for the petitioner. Also heard Mr. P.K. Munir, learned Standing Counsel, Khadi and Village Industries Board and Mr. R. Dhar, learned Standing Counsel, Handloom & Textiles.

**2.** This writ petition has been filed by the petitioner who claims to be the daughter of late Dharitry Das. She was employed as a Helper at the Nityananda Centre of Assam Khadi and Village Industries Board. She died in harness on 16.06.2016 leaving behind the petitioner and her father Shri Madhusudhan Das as a legal heirs. The petitioner claims to be the Class-I legal heir of the deceased mother as per law. However, to her surprise, she came to be informed that her father Shri Madhusudhan Das preferred a writ petition before this Court being W.P.(C) No. 2162/2018 without disclosing that the petitioner is also a Class-I legal heir of late Dharitry Das. A Co-ordinate Bench by order dated 13.03.2019 disposed of the writ petition with the following order:

*“Date : 13-03-2019*

*Heard Ms. P. Bhattacharya, learned counsel for the petitioner. Also heard Mr. J.K. Parajuli, learned Standing Counsel, Khadi and Village Industries Board.*

*2) Considering the relief claimed in this petition that the petitioner’s wife, who was earlier serving as a Helper at the Nityananda Centre of Khadi & Village Industries*

*Board and who died on 17.06.2016, has been denied the financial dues, viz. Provident Fund, leave salary and gratuity, this Court is of the view that this petition can be disposed of at this stage. 3) Learned counsel for the petitioner categorically states before this Court that there was no departmental enquiry pending against the petitioner's wife nor any criminal investigation. The petitioner had filed the representations including on 19.12.2016 before the authority for the aforesaid benefits but has not been given any positive response. That apart, the petitioner had submitted all relevant documents to the authorities concerned and as such, there is no reason why the aforesaid outstanding dues of the wife of the petitioner should not be released to the petitioner.*

*4) In that view of the matter, the present petition is disposed of with the direction to the respondent authorities to examine the claim of the petitioner and if all relevant documents are in order, the provident fund, leave salary and gratuity etc. may be released immediately without any further delay. If there be any shortcoming on the part of the petitioner, the same may be specifically intimated to the petitioner immediately so that the petitioner may rectify the same.*

*5) On the other hand, if there be any shortcoming on the part of any authority, the respondent authorities will take necessary steps to get the same rectified so that all the benefits including provident fund, leave salary and gratuity can be released to the petitioner.*

*6) The aforesaid exercise shall be undertaken by the respondent authorities within 4 (four) months from today."*

**3.** In pursuance to the order passed by the Co-ordinate Bench in W.P.(C) No. 2162/2018, an amount of Rs. 3,02,433/- (Rupees Three Lakh Two Thousand Four Hundred Thirty Three Only) has been released to the father of the petitioner by the Department in respect of the retiral benefits of late Dharitry Das. A further amount of Rs. 6,30,201/- (Six Lakh Thirty Thousand Two

Hundred One Only) has been sanctioned but not yet released.

**4.** The learned counsel for the petitioner submits that the father of the petitioner suppressed material facts without disclosing that the petitioner is a daughter and is also entitled to the pensionary benefits in respect of her late mother, Smt. Dharitry Das. In view of the suppression of the material facts, the order of the Court was passed. The learned counsel for the petitioner submits that this order was not known to him earlier and therefore he would like to file a review against this order by withdrawing the present writ petition.

**5.** Prayer made is allowed.

**6.** The petitioner is permitted to file a review against the earlier order dated 13.03.2019 in W.P.(C) No. 2162/2018.

**7.** The respondents department will also enquire into the claims of the petitioner vis-à-vis that of her father before proceeding to release any further amount to the father of the writ petitioner, Sri Madhusudhan Das.

**8.** The writ petition accordingly stands dismissed on withdrawal.

**9.** Interim order if any stands vacated.

**JUDGE**

**Comparing Assistant**