

GAHC010260482023



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

Case No. : WP(C)/6836/2023

ANUREKHA BARUAH
W/O- LATE DR.HIRANYA KUMAR BARUAH, R/O- FLAT NO. D 104, B D
ENCLAVE, KHONAMUKH, GUWAHATI-781014.

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, DEPARTMENT OF AGRICULTURE,
GOVERNMENT OF ASSAM, DISPUR, GUWAHATI-781006.

2:THE VICE CHANCELLOR

ASSAM AGRICULTURE UNIVERSITY
JORHAT-785013.

3:THE DIRECTOR OF EXTENSION EDUCATION

ASSAM AGRICULTURE UNIVERSITY
JORHAT-785013.

4:THE REGISTRAR

ASSAM AGRICULTURAL UNIVERSITY
JORHAT.

5:THE DIRECTOR GENERAL

INDIAN COUNCIL OF AGRICULTURAL RESEARCH (ICAR)
KRISHI BHAWAN
NEW DELHI-110012

Advocate for the Petitioner : MR. J C CHAUDHURY

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA**

ORDER

Date : 17-07-2024

None appears on call for the petitioners. Heard Mr. R. Gogoi, learned Standing Counsel for the Assam Agricultural University representing the respondent Nos. 2, 3 and 4 and Ms. R. Borah, learned Government Advocate appearing for the respondent No.1. Ms. R. Devi, learned CGC appearing for the respondent No.5

2. The case of the petitioner is that she is the wife of late Dr. Hiranya Kumar Baruah, who was appointed to the post of Subject Matter Specialists (Agri. Economics) and posted at Krishi Vigyan Kendra (KVK), Kajalgaon, in Chirang District, which is under the Assam Agricultural University. His appointment was made by an order dated 31.10.2008, and his service was regularized by an order 13.02.2014. It is projected that the husband of the petitioner had died in harness on 18.04.2023 at a Private hospital in Guwahati. The petitioner had approached the respondent Authorities for release of terminal benefits standing in the name of her late husband, but till date, she has not been given any financial benefits on account of terminal benefits and any other dues receivable on account of her deceased husband. Accordingly, this writ petition has been filed under Article 226 of the Constitution of India.

3. The learned standing counsel for the respondent Nos. 2, 3 and 4 has

referred to this affidavit-in-opposition filed by the respondent No. 4, and it is submitted that the administration of Krishi Vigyan Kendras are governed in accordance with the memorandum of understanding signed between the Assam Agricultural University, Jorhat and the Indian Council of Agricultural Research (ICAR)(respondent no.5). It is projected that the petitioner was appointed as a Subject Matter Specialist (Agricultural Economics) on a consolidated pay of Rs. 8000/- per month and was posted at Krishi Vigyan Kendra, Bongaigaon vide an order dated 31.10.2008. The appointment was initially for a period of 1 year, which was extended from time to time. It was further projected that the posts were temporary and if the post was to be continued for a long time, the KVK ought to have been taken sanction for its continuance from the ICAR. Accordingly, it is projected that in the event of temporary service of the husband of the petitioner in KVK, the Assam Agricultural University did not have any responsibility to pay any terminal benefit on the death of the husband of the petitioner.

4. On the perusal of the materials on record, it appears from the order of appointment dated 31.10.2008 that as per the terms and conditions of the appointment order, 11 persons were appointed under the said order would be governed by the new CPF Rules, as per clause-6 thereof. It is further provided that they shall be on probation for a period of 1 year as per clause-16 under Group 'A' of the AAU Service Rules, 1990 and also be governed by other terms and conditions of the service rules. Under clause-9 thereof it is provided that the appointees shall be eligible for regularization of services under the existing scale of pay for Rs. 8000-275-13500/-pm (UGC) plus other allowances as admissible with effect from the date of qualifying the NET and their services shall be

counted for promotion from the date of regular appointment to the post.

5. By a subsequent order dated 13.02.2014, issued by the Registrar, Assam Agricultural University, the service of the petitioner along with others were regularized. Therefore, under the terms and conditions of the appointment order No.2.1(14)A-RG/2008-09/10787-10789 dated 31.10.2008, the husband of the petitioner is found to have become entitled to the CPF and the service benefits after having been regularized by the Memo No. 2.1(14)/2011/RG/2013-14/12961-973 dated 13.02.2014. The Court has examined the "Service Regulations for KVK Functionaries under AAU published in the year 2021,"(Annexure-5 to the writ petition). The learned standing counsel for the respondent Nos. 2 to 4 could not point out any regulations made therein under which the payment of terminal benefit and other of a deceased employee was to be borne by ICAR. It also could not be shown that in terms of the Memorandum of Understanding dated 29.11.2013 between the Assam Agricultural University and the ICAR, the ICAR took the responsibility of the deceased employee while serving under KVK Scheme.

6. Accordingly, the Court does not find any merit in the stand taken by the respondent No.4 that from the affidavit-in-opposition filed by the respondent No.4 that the statement made in the paragraph-10 thereof is that for additional requirement of funds for post-retirement and death benefits of KVK employees, and the Assam Agricultural University would be depended on Government of Assam and that the Assam Agricultural University has already moved the Director of the Assam Agricultural Department, Government of Assam for sanctioning additional fund.

7. In view of the above, the Court is of the considered opinion that the writ

petition deserves to be allowed by directing the respondent No.4 i.e. the Registrar, Assam Agricultural University to ensure that the CPF of the pension and other terminal benefits including Provident fund, Gratuity, Leave Encashment, NPS updation scheme, monthly salary, if any, bonus, if any due, and other consolidated benefits shall be calculated and released to the petitioner within a outer period of 3 (three) months.

8. It is also provided that the Registrar, Assam Agricultural University (respondent No.4) shall inform the petitioner about the dues receivable by her on account of her deceased husband so that the petitioner is aware of her receivables from the respondent No.4.

9. As the petitioner is absent in the matter taken up for hearing, we request the learned standing counsel for the Assam Agricultural University to communicate a copy of this order to the respondent Nos.2 and 4 to bring this order to the notice of the said authority for compliance.

JUDGE

Comparing Assistant