



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

Case No. : WP(C)/207/2023

TIALILA LONGKUMER
W/O KHRIEPHREZO RUTSA,
R/O P.KHEL,
KOHIMA VILLAGE H/NO. (K) D 004,
NAGALAND 797001

VERSUS

THE GLOBAL OPEN UNIVERSITY AND ANR.
REPRESENTED BY THE VICE CHANCELLOR SODZULHOU,
7TH MILE VILLAGE,
P.O ARTC, DIMAPUR,
DIMAPUR, NAGALAND 797112

2:THE REGISTRAR
THE GLOBAL OPEN UNIVERSITY
DIMAPUR
SODZULHOU
7TH MILE VILLAGE
P.O ARTC
DIMAPUR
DIMAPUR
NAGALAND 79711

Advocate for the Petitioner : ASA RUTSA

Advocate for the Respondent : T. B. JAMIR

**BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN
ORDER**

22.03.2024

Heard Mr. I. Imchen, learned counsel for the petitioner and Mr. I. Jamir, learned counsel for the respondents.

2. In this petition under Article 226 of the Constitution of India, the petitioner namely Tialila Longkumer, has prayed for issuing direction to the respondent authorities to release her pending salaries amounting to Rs. 5,54,812/- and also to direct the respondent authorities to pay her the Employees Provident Fund (EPF) along with the missing EPF, which she is entitled to.

3. The background facts leading to filing of the present petition is adumbrated herein below :-

“The petitioner was appointed as a faculty member on contractual basis, in the Global Open University, Dimapur, Nagaland, on 21.12.2009. Thereafter, her service was regularized on 25.09.2013. And as her salary was not paid regularly, she was compelled to resign from her service and a sum of Rs. 5,54,812/- along with her EPF amount have not been paid to her till date by the respondent authorities and the above liabilities is admitted by the respondent authorities in the letter dated 14.06.2022. The respondent authorities have also not deposited the employers share in her monthly EPF account, though her part was deducted from her salary.”

4. Being aggrieved the petitioner has approached this Court by filing the present petition with the aforesaid prayers.

5. Mr. Imchen, learned counsel for the petitioner submits that in the letter dated 14.06.2022, (Annexure – I, at Page No. 26 of the petition) addressed to the petitioner, the respondent No. 2 has admitted non-payment of the amount, which the petitioner is entitled to. Mr. Imchen further submits that though the EPF amount was deducted from the salary account of the petitioner, the salary along with the EPF amount have not been cleared till date to the petitioner and therefore, it is contended to allow the petition, by directing the respondent authorities to release the arrear salary along with the EPF amount of the petitioner, within a period of 3 (three) months from today.

6. However, Mr. Jamir, learned counsel for the respondents submits that because of some financial inconvenience, being faced by the respondent authorities, on account of pending litigation, the salary of the petitioner could not be paid in time. Mr. Jamir further submits that the respondent authorities are ready to pay the arrear salary along with the EPF amount of the petitioner and prays for granting at-least 6 (six) months time for clearing the same.

7. But, Mr. Imchen, learned counsel for the petitioner has opposed granting of 6 (six) months time and submits that only 3 (three) months time may be granted to the respondent authorities to clear the dues. Whereas Mr. Jamir, learned counsel for the respondents submits that another one month may be added to the 3 (three) months time.

8. In view of the submission of learned counsel for both the parties and in view of the admitted facts and circumstances on the record, this Court is inclined to dispose of this petition, by directing the respondent authorities to clear the arrear salary amounting to

Rs. 5,54,812/- along with the EPF amount, which the petitioner is entitled to, in terms of their letter dated 14.06.2022, within a period of 4 (four) months from today.

9. In the event of failing to make the payment, within the stipulated period, the principal amount shall carry interest @ 9% per annum.

10. In terms of above, this Writ Petition stands disposed of.

Sd/-

JUDGE

Comparing Assistant