GAHC010182142020

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

Case No. : WP(C)/5569/2020

KAMAL CHANDRA KALITA
S/O LATE PADRAM KALITA, RETIRED HEADMASTER, KUMARGAON MUKTAB SCHOOL, PERMANENT R/O VILL. DIPHOLU, P.O. ITACHALI, DIST. NAGAON, ASSAM 782003

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE COMMISSIONER AND SECY. TO THE GOVT. OF ASSAM, DEPTT. OF FINANCE, DISPUR, GUWAHATI 781006

2:THE COMMISSIONER AND SECY.
DEPTT. OF ELEMENTARY EDUCATION
DISPUR
GUWAHATI 781006

3:THE DIRECTOR OF ELEMENTARY EDUCATION
KAHILIPARA
GUWAHATI 781019

4:DEPUTY INSPECTOR (D.I.)
NAGAON

5:DIRECTOR OF PENSION
ASSAM
HOUSEFED COMPLEX
LAST GATE
DISPUR
GUWAHATI 78100

Advocate for the Petitioner : MR. N ISLAM

Advocate for the Respondent : SC, ELEM. EDU

BEFORE
HONOURABLE MR. JUSTICE ACHINTYA MALLA BUJOR BARUA

O R D E R

21.12.2020

Heard Ms. TH A Devi, learned counsel for the petitioner. Also heard Ms. N Phukan, learned Standing counsel, Elementary Education Department and Mr. B Gogoi, learned Standing counsel, Finance Department.

2. The petitioner was a retired Headmaster of Kumarpara Muktab School in the district of Nagaon, who had retired from service on 31.07.2019. He was granted all other retirement benefits except the leave encashment which was granted for 240 days instead of the maximum period of 300 days.

3. In the aforesaid premises, this writ petition has been preferred for a direction to the respondent authorities to grant the petitioner the leave encashment up to a period of 300 days.

4. The issue as to whether the retired Teachers under the Education Department, Assam are entitled to leave encashment up to a period of 300 days has been settled by this Court in its judgment and order dated 02.06.2011 rendered in Khagendra Nath Deka and others Vs. State of Assam and Others passed in WP(C) No.9851/2003.

5. In the aforesaid judgment, it has been held that the retired employees under the Education Department are entitled to leave encashment for a maximum of 300 days. The said decision has also been followed in a number of subsequent orders of this Court.

6. The learned counsel for the parties including that of the respondents agree that the grievance raised in this writ petition is covered by the aforesaid judgment and order of this Court dated02.06.2011 rendered in Khagendra Nath Deka and others Vs. State of Assam and Others.

7. In view of the aforesaid consensus, this writ petition is disposed of by directing the

respondent No.3 being the Director of Elementary Education, Assam to examine the case of the petitioner and in the event, it is found that the petitioner is entitled to leave encashment for the unutilized earned leave up to maximum of 300 days, the same be granted to the petitioner by passing a speaking order.

8. The aforesaid direction be carried out by the Director of Elementary Education, Assam within a period of 3(three) months from the date of receipt of a certified copy of this order.

9. In terms of the above, this writ petition stands disposed of.

JUDGE

Comparing Assistant