GAHC010086342018

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

Case No. : WP(C)/2705/2018

MEGHALI NATH
W/O- MR. PHANI BHUSAN NATH, R/O- KAHILIPARA, CHITRABAN PATH,
P.O- KAHILIPARA, DIST- KAMRUP(M), ASSAM, PIN- 781019

VERSUS

THE STATE OF ASSAM AND 2 ORS.
REP. BY THE COMMISSIONER AND SECRETARY, URBAN DEVELOPMENT
DEPTT, (ASSAM GOVT UNDERTAKING), DISPUR, GUWAHATI- 06

2:THE MANAGING DIRECTOR
ASSAM URBAN WATER SUPPLY AND SEWARAGE BOARD
AMRITPUR PATH
GANESHGURI
GUWAHATI-6

3:THE EXECUTIVE ENGINEER
ASSAM URBAN WATER SUPPLY AND SEWARAGE BOARD
DHUBRI DIVISION
DHUBRI
P.O DHUBRI
DIST- DHUBRI
ASSA

Advocate for the Petitioner : MS. M BORAH, MR. B B BORAH,MS L BARUAH

Advocate for the Respondent : GA, ASSAM, MR. S P CHOUDHURY (R-2,3),MR. R. M. DAS(SC, URBAN WATER SUPPLY & SEWERAGE BOARD)

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

Date : 05.11.2026

Heard Ms. M. Borah, the learned counsel for the petitioner and Mr. S. P. Choudhury, the learned Standing Counsel for Assam Urban Water Supply & Sewerage Board, representing respondent nos. 2 & 3 and Mr. A. Chakraborty, the learned Government Advocate for respondent no. 1.

2. By this application, filed under Article 226 of the Constitution of India, the petitioner has raised the grievance that her application for allowing her to go on voluntary retirement was not replied to by the authorities concerned till date.

3. The case of the petitioner is that, she was appointed as the Junior Engineer in the Department of Assam Urban Water Supply & Sewerage Board, Dhubri in the year 1995 and that during the year 2005, the petitioner became ill and she filed an application before the authority concerned seeking her transfer to Guwahti. The petitioner further states that, on 23.09.2005, the authority considered her prayer and she was transferred to Guwahti and was posted in Guwahti Division No-I. Thereafter, the petitioner states that she was selected and promoted to the post of Assistant Engineer on 12.07.2007, by the authority in the said department and accordingly, she was released from the post of Junior Engineer for enabling her to join as Assistant Engineer. The further case of the petitioner is that, she was thereafter, transferred and posted to Hailakandi on 14.03.2011 and she was released from Guwahti Division for enabling her to join the Barak Valley Division. The petitioner further states that she was thereafter transferred from Barak Valley Division to Dhubri Division of the Board. It is also stated by the petitioner that on

23.07.2014, she was granted earn leave for 60 days on medical ground as she was suffering from acute health problem, because of which she was unable to continue her service in Barak Valley Division. She as such, requested the Higher Authority to transfer her to Guwahati Division as her husband is also working in Guwahati as Junior Engineer in Irrigation Department and also due to the fact that she has no children to look after her.

4. The learned counsel for the petitioner Ms. M Borah, submits that, the petitioner has made an application due to her health condition both to transfer her to Guwahati and allow her to go on voluntary retirement from the post of Assistant Engineer, Assam Urban Water Supply & Sewerage Board, Division, Assam but the learned counsel submits that the said application was not considered by the competent authority neither it was answered till date.

5. On the other hand Mr. S. P. Choudhury, the learned standing counsel for the said department by referring to his affidavit-in-opposition filed in the present case has stated that the voluntary retirement scheme was never introduced in the board and that a meeting of the Board of Directors was held on 11.02.2021, presided over by the Chairman of the Board and a decision was taken to form a committee to look in to the aspect of introducing the voluntary retirement scheme amongst the employees working in the board. However, the learned counsel submits that he does not have instruction as to whether; the committee has submitted its report or whether the scheme has been adopted. He however, submits that had it been done so, the petitioner would have been intimated about the same. He also submits that the petitioner is not working in said department and also her earned leave credit accounts have expired and as such, she is not paid her salary to which the learned counsel for the petitioner also concedes.

6. In view of the submissions made by the learned counsel for the petitioner that, the petitioner has been suffering from ailment since the year 2005 and that in the year 2017, she made an application before the authority to either transfer her to Guwahti or to allow her to go on voluntary retirement from the post of Assistant Engineer under the Department in the Dhubri Division, and also due to the fact that the voluntary retirement scheme was not adopted by the board and it is not known as to whether, it has been adopted as of now, this Court directs the petitioner to make a fresh application before the Managing Director of Assam Urban Water Supply & Sewerage Board, ventilating her grievance which will be considered by the said authority or the concerned authority within a period of 2 months from the date of submission of the said application. It is further directed that the authorities would consider the grievance of the petitioner according to law.

7. It is also submitted by the learned counsel for the petitioner that the petitioner is entitled to certain arrear salary for the period she worked in the board which may also be prayed for by the petitioner in her application and the same to be considered by the competent authority within the said time frame.

8. With the said observations, the petition is disposed of.

JUDGE

Comparing Assistant