

WP(C) 3470/2008

BEFORE

THE HON'BLE MR. JUSTICE B.K.SHARMA

Heard Mr. R. Sarma, learned counsel for the petitioner as well as Ms. R. Chakraborty, learned Additional Sr. Govt. Advocate, Assam.

The petitioner is in jail custody since 19.6.2008 in connection with Bakijai Case No. B-113/2008. The petitioner was asked to show cause as to why he should not be sent to Civil Prison in execution of the certificate involved in the said Bakijai case. As the petitioner failed to take steps in response to the notice issued to him, he was sent Civil Prison.

It appears that the petitioner's liability is to the tune of Rs. 26,000/-, which was payable to the Co-operative City Bank Limited. As per the written instruction furnished to the learned State Counsel by the District Deputy Registrar of Co-operative Societies vide his letter dated 29.8.2008, the Bank authority is agreeable to receive Rs. 1500/- per month, if the same is deducted from the monthly salary bill of the petitioner towards liquidating the aforesaid amount of Rs. 26,000/-.

Mr. R. Sarma, learned counsel for the petitioner upon instruction submits that the petitioner is agreeable for such deduction of Rs. 1500/- per month from his monthly salary bill towards liquidating the aforesaid amount of Rs. 26,000/-, which is payable by the petitioner to the Co-operative City Bank Limited.

The petitioner is a Grade-IV employee under the Directorate of Agriculture, Government of Assam.

In view of the agreement of the Bank, it is hereby directed that the Director of Agriculture shall deduct Rs. 1500/- per month from the monthly salary bill of the petitioner and shall deposit the same with the Co-operative City Bank Limited till such time, the amount of Rs. 26,000/- is liquidated. Ms. Chakraborty, learned State Counsel shall apprise the Director of Agriculture, Government of Assam about this order. The records produced by the learned State Counsel is kept on record.

In view of the above undertaking on the part of the petitioner, he may be released from the Civil Prison in, which he is in, in connection with the Bakijai proceeding. He shall be released forthwith. On release, the petitioner shall furnish the undertaking both to the Director of Agriculture as well as the Co-operative City Bank Limited about his agreement towards deduction of Rs. 1500/- from his salary bill towards liquidating the aforesaid amount of Rs. 26,000/-.

With the aforesaid direction, writ petition is disposed of.

Let a copy of this order be furnished to Ms. Chakraborty, learned State Counsel for her appraisal to the authority concerned.