

WP(C) 2412/2013

BEFORE

HON'BLE MR. JUSTICE B.P. KATAKEY

Heard Mr. Tahbildar, learned counsel for the petitioner and Mr. Ghosh, learned State counsel appearing for the respondents.

It is a very unfortunate case, in which the petitioner, who is the widow of Homeswar Kakati, former Asstt. Sub-Inspector of Police, who has committed suicide on 28.07.2010, has to approach this Court for grant of pensionary benefit as well as the arrear salary from the month of December, 1999 up to the month of February, 2002. Though the writ petition was admitted for hearing on 09.05.2013, the State respondents have not filed affidavit till date despite the various opportunities given.

The learned counsel appearing for the petitioner submits that during pendency of the writ petition the pension payable to the petitioner has been released. According to the learned counsel what remains is payment of the arrear salary payable to the petitioner's husband from December, 1999 to February, 2002.

No affidavit-in-opposition has been filed by any of the respondents.

In view of the above, I dispose of the writ petition directing the Commissioner & Secretary to the Govt. of Assam, Home Department, to verify as to whether the petitioner's husband was entitled to receive salary from the month of December, 1999 to February, 2002, if so, whether the same has been paid. If upon such verification it is found that the salary for the aforesaid period or any part of it has not been paid, the same shall be paid within 1(one) month thereafter with interest @12% per annum from the date when it was found to be due and payable. Such verification shall be done within a period of 1(one) month from today.

The writ petition is accordingly disposed of.

A copy of this order be furnished to Mr. Ghosh, learned State counsel for onward transmission to the Commissioner & Secretary to the Govt. of Assam, Home Department.