

WP(C) 212/2016

BEFORE

THE HON'BLE MR. JUSTICE MICHAEL ZOTHANKHUMA

Heard Ms. S Changkakoti, learned counsel for the petitioner, who submits that the petitioner, Sri Digen Saikia superannuated from service as a Senior Assistant, Office of the Commanding Officer, 8th Assam Battalion, NCC, Nagaon on 30.04.2013. The respondents have not paid the petitioner, his arrear salary and allowances from 01.01.2002 to 28.02.2013 and thus he has approached this Court by way of the present writ petition.

Learned counsel for the petitioner submits that the Commanding Officer, 8th Assam Battalion, NCC, Nagaon had prepared a proposal for allotment of funds under the Budget Grant and the same was submitted to the Director, Sports & Youth Welfare, Assam on 08.05.2013 for release of funds to pay the arrear salary and allowances of the petitioner. However, the arrear salary and allowances of the petitioner has not been paid to him.

Learned counsel for the petitioner submits that no reply has been forthcoming on the various representations sent by the petitioner to the concerned authorities. Learned counsel for the petitioner thus submits that the present writ petition may be disposed off with a direction to the authorities to examine and consider the petitioner's claim as reflected in the representations dated 03.04.2015 and 15.06.2016 and if the respondents find that the petitioner is to receive payment, the same should be paid to the petitioner.

Mr. BJ Talukdar, learned counsel appearing for respondent Nos. 1, 4 and 5 and Ms. A Verma, learned counsel appearing for respondent No. 2 submit that they have no objection to the prayer of the petitioner's counsel.

In view of the consent of the parties, this writ petition is disposed off with a direction to the respondent No. 4 to examine and consider the petitioner's claim for payment of arrear salary and allowances as per the petitioner's representations dated 15.06.2015 (Annexure-F) and 03.04.2015 (Annexure-F1) and if the respondent No. 4 finds that the petitioner is entitled to receive the arrear salary and allowances, the same should be paid to the petitioner. The entire exercise should be carried out by the respondent No. 4 within a period of 2 (two) months from the date of receipt of a certified copy of this order.

Writ petition is accordingly disposed off.