

GAHC010061292021



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

**Case No. : WP(C)/2336/2021**

MADHAB THAKURIA  
S/O LATE BALIRAM THAKURIA,  
RESIDENCE OF VILLAGE SAROKUCHI, PO BASISTHA, PS BASISTHA, DIST  
KAMRUP M ASSAM

VERSUS

THE STATE OF ASSAM AND 4 ORS  
REPRESENTED BY THE COMMISSIONER AND SECRETARY, GOVT. OF  
ASSAM, SOIL CONSERVATION DEPARTMENT, DISPUR, GUWAHATI 06

2:THE COMMISSIONER AND SECRETARY  
FINANCE DEPARTMENT DISPUR GUWAHATI 06

3:DIRECTOR OF SOIL CONSERVATION  
ASSAM  
BHUMI SANGRAKSHAN BHAWAN  
1ST FLOOR R.G. BARUA ROAD  
GUWAHATI ASSAM 781005

4:ASSAM PLANTATION CROPS DEVELOPMENT CORPORATION LIMITED  
OPPOSITE SARUSAJAI NATIONAL COMPLEX SAWKUCHI  
NH 37LAKHARA  
GUWAHATI 781034 ASSAM REPRESENTED BY ITS MANAGING DIRECTOR

5:THE MANAGING DIRECTOR  
ASSAM PLANTATION CROPS DEVELOPMENT CORPORATION LIMITED  
OPPOSITE SARUSAJAI NATIONAL COMPLEX SAWKUCHI  
NH 37LAKHARA  
GUWAHATI 781034 ASSA

**Advocate for the Petitioner : MR. A BHATTACHARYYA**

**Advocate for the Respondent : SC, SOIL CONSERVATION DEPTT.**

**BEFORE  
HONOURABLE MR. JUSTICE NELSON SAILO**

**ORDER**

**Date : 31.03.2021**

Heard Mr. A. Bhattacharyya, learned counsel for the petitioner, who submits that the grievance of the petitioner is that although he retired on superannuation on 31.10.2020 from the post of Machine Operator, Assam Plantation Crops Development Corporation Limited, he has not been paid the leave encashment and gratuity entitled to him. Although the petitioner has approached the respondent authorities, the respondent authorities have failed to consider his case that has prompted him to file this instant writ petition.

Learned counsel also submits that in a similar matter, i.e., WP(C) 1930/2021, this Court vide order dated 22.03.2021 disposed of the writ petition with a direction to the petitioner to submit a representation before the respondent authority concerned and the respondent authority concerned has been directed to take a decision within a period of three months. He therefore submits that the present writ petition may also be disposed of in similar lines.

Mr. B. Gogoi, learned Standing Counsel, Soil Conservation Department and Mr. P. Nayak, learned Standing Counsel, Finance Department submit that a similar order may be passed by this Court.

In view of the above, this writ petition is disposed of with a direction to the petitioner to file a fresh representation before the respondent No. 5 within a period of 1 (one) month from today and the respondent No. 5 within a period of 3 (three) months from the date of receipt of the representation shall take a decision on the payment of leave encashment and gratuity as entitled to the petitioner.

**JUDGE**

**Comparing Assistant**