
(2020) 12 GAU CK 0009
In the Gauhati High Court
Case No : Writ Petition (C) No. 5297 Of 2020

Anuradha Das

APPELLANT

Vs

State Of Assam And Ors

RESPONDENT

Date of Decision : 14-12-2020

Acts Referred:

Citation : (2020) 12 GAU CK 0009

Hon'ble Judges : Achintya Malla Bujor Barua, J

Bench : Single Bench

Advocate : N Ahmed

Final Decision : Disposed Off

Judgement

1. Heard Ms. L. Wajeeda, learned counsel for the petitioner. Also Ms. N. Phukan, learned counsel for the Elementary Education Department and Mr.

R. Borpujari, learned counsel for the Finance Department.

2. The husband of the petitioner who was duly appointed as Assistant Teacher of 107 No. Barunitara L.P. School in the district of Dhubri, Bilasipara

Sub-division, Assam retired from service on 08.07.2015. He was granted all other retirement benefits except the leave encashment which was granted

for 135 days out of 200 days.

3. In the aforesaid premises, this writ petition has been preferred for a direction to the respondent authorities to grant the petitioner the leave

encashment of her husband upto a period of 300 days.

4. The issue as to whether the retired Teachers under the Education Department, Assam are entitled to leave encashment upto a period of 300 days

has been settled by this Court in its judgment and order dated 02.06.2011 rendered in Khagendra Nath Deka and others Vs. State of Assam and

Others passed in WP(C)No.9851/2003.

5. In the aforesaid judgment, it has been held that the retired employees under the Education Department are entitled to leave encashment for a

maximum of 300 days. The said decision has also been followed in a number of subsequent orders of this Court.

6. The learned counsel for the parties including that of the respondents agree that the grievance raised in this writ petition is covered by the aforesaid

judgment and order of this Court dated 02.06.2011 rendered in Khagendra Nath Deka and others Vs. State of Assam and Others.

7. In view of the aforesaid consensus, this writ petition is disposed of by directing the respondent No.3 being the Director of Elementary Education,

Assam to examine the case of the petitioner and in the event, it is found that the husband of the petitioner was entitled to leave encashment for the

unutilized earned leave upto maximum of 300 days, the same be granted to the petitioner by passing a speaking order.

8. The aforesaid direction be carried out by the Director of Elementary Education, Assam within a period of 3(three) months from the date of receipt

of a certified copy of this order.

9. In terms of the above, this writ petition stands disposed of.