

(2021) 07 GAU CK 0055

In the Gauhati High Court

Case No : Writ Petition (Civil) No. 3012, 3017 Of 2021

Chinu Deka And 3 Ors

APPELLANT

Vs

State Of Assam And 4 Ors

RESPONDENT

Date of Decision : 13-07-2021

Acts Referred:

Citation : (2021) 07 GAU CK 0055

Hon'ble Judges : Kalyan Rai Surana, J

Bench : Single Bench

Advocate : A Bhattacharyya

Final Decision : Disposed Of

Judgement

Heard Mr. A. Bhattacharyya, learned counsel for the petitioners and Mr. B. Gogoi, learned Standing counsel for the Finance Department appearing

for all the respondents.

The case of the petitioners is that after rendering service in the Corporation for more than 33 years, the father of the petitioners had superannuated on

28.02.2015 as Assistant Plantation Manager in Assam Plantation Crops Development Corporation Ltd. Later on the father of the petitioners had died

on 27.11.2018. Though, the petitioners had applied for payment of release of the retirement dues, i.e. Gratuity and Leave Encashment benefit of their

deceased father, the petitioners have not been paid the said dues. The representations of the petitioners as well as the President and Secretary of the

Assam Garden Crops Development Corporation Retired and Expired Employees Family Welfare Organisation (Ad-hoc) have also not been

considered by the respondent authorities till date.

The learned counsel for the petitioners submit that a direction may be issued to

the respondents to examine the petitioners claim for payment of the retirement dues of their deceased father in terms of the representations and if it is found that the petitioners are eligible for the same, the respondent authorities should pay the same within a specified time period.

Mr. B. Gogoi, learned counsel for all the respondents has submitted that he has got no objection to the prayer made by the learned counsel for the petitioners.

In view of the above, the respondent no.5 is directed to examine the representation dated 30.01.2021 (Annexure-4) submitted by the President and

Secretary of the Assam Garden Crops Development Corporation Retired and Expired Employees Family Welfare Organisation (Ad-hoc) and to take

a decision on the same within a period of 2(two) months from the date of receipt of a certified copy of this order, which shall be accompanied by a

copy of this writ petition with all enclosures. It is needless to state that if the petitioners are found eligible, the competent authority shall release the

retiral dues of the deceased father of the petitioners within 2(two) months of the decision.

The writ petition is, accordingly, disposed of, without issuing notice to the respondents.