

GAHC010011272022



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

**Case No. : WP(C)/1111/2022**

BHAGABAN KALITA

S/O. LT. SARBESWAR KALITA, A PERMANENT R/O. LATAKATA, P.O./P.S. BASISTHA, GUWAHATI-781029, DIST. KAMRUP (M), ASSAM, REP. FOR AND ON BEHALF OF THE 15 (FIFTEEN) ORS. OF (DEVICROP EMPLOYEES ASSOCIATION), A REGD. ASSOCIATION VIDE NO.1774 OF 1998 WITH ITS OFFICE AT SAWKUCHI, NH-37, OPP. SARUSAJAI NATIONAL STADIUM COMPLEX, GUWAHATI-34, AFFILIATED TO CENTRE OF INDIAN TRADE UNION (CITU).

VERSUS

THE STATE OF ASSAM AND 6 ORS.

REP. BY THE COMM. AND PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM, SOIL CONSERVATION DEPTT., C-BLOCK, 3RD FLOOR, ASSAM SECRETARIAT, DISPUR, GUWAHATI-781006, DIST. KAMRUP (M), ASSAM.

2:THE STATE OF ASSAM

REP. BY THE PRINCIPAL SECY. TO THE GOVT. OF ASSAM  
PUBLIC ENTERPRISE DEPTT.

C BLOCK  
3RD FLOOR  
ASSAM SECRETARIAT  
DISPUR  
GUWAHATI-781006  
KAMRUP (M)  
ASSAM.

3:THE STATE OF ASSAM

REP. BY THE SECRETARY TO THE GOVT. OF ASSAM  
SOIL CONSERVATION DEPTT.  
C BLOCK

3RD FLOOR  
ASSAM SECRETARIAT  
DISPUR  
GUWAHATI-781006  
KAMRUP (M)  
ASSAM.

4:THE STATE OF ASSAM

REP. BY THE SECRETARY TO THE GOVT. OF ASSAM  
PUBLIC ENTERPRISES DEPTT.  
C BLOCK  
3RD FLOOR  
ASSAM SECRETARIAT  
DISPUR  
GUWAHATI-781006  
KAMRUP (M)  
ASSAM.

5:THE STATE OF ASSAM

REP. BY THE SECRETARY TO THE GOVT. OF ASSAM  
FINANCE DEPTT.  
ASSAM SECRETARIAT  
DISPUR  
GUWAHATI-781006  
KAMRUP (M)  
ASSAM.

6:THE STATE OF ASSAM

REP. BY THE DIRECTOR OF SOIL CONSERVATION DEPTT. OF ASSAM  
BHUMI SANGRAKSHAN BHABAN  
R.G. BORUAH ROAD  
GUWAHATI-781006  
DIST. KAMRUP (M)  
ASSAM.

7:THE MANAGING DIRECTOR

ASSAM PLANTATION CROPS DEVELOPMENT CORPORATION LTD.  
OPPOSITE SARUSAJAI NATIONAL STADIUM COMPLEX  
P.O. SAWKUCHI  
P.S. BASISTHA  
NH-37  
LAKHARA  
GUWAHATI-781040  
DIST. KAMRUP (M)

ASSAM

**Advocate for the Petitioner** : MR I C GOGOI, MR. A BHATTACHARYYA, MR A B DUTTA, MR K BARMAN, MR A SHARMA, MR. P KALITA

**Advocate for the Respondent** : GA, ASSAM, MR. S R RABHA, SC, SOIL CONSERVATION DEPTT, ASSAM, MR B GOGOI, SC, SOIL CONSERVATION DEPARTMENT., SC, FINANCE

**BEFORE**

**HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY**

**ORDER**

**10-02-2025**

1. Pursuant to the order dated 05.02.2025, the learned Standing counsel, Soil Conservation Department has produced the communication dated 07.02.2025 issued by the Joint Secretary to the Govt. of Assam, Soil Conservation Department.
2. The relevant portion of the said communication dated 07.02.2025 is quoted herein below:

*“With reference to the subject cited above, I am directed to inform you that Soil Conservation Department has received a VRS proposal with financial implication made on the basis of 5<sup>th</sup> Pay Commission in respect of 16 nos. of employees of Assam Plantation Crops Development Corporation Ltd under Soil Conservation Department from the MD, APCDCL. Accordingly, with due approval of the Hon'ble Minister of the Department, the VRS proposal for an amount of Rs.1,22,79,377/- (Rupees One Crore Twenty Two Lakhs Seventy Nine thousand Three Hundred Seventy Seven) only has been sent to the Finance (Budget) Department on 05.02.2025 for their kind appraisal and necessary action.”*

3. A copy of the said communication is furnished to Mr. R. Borpujari, learned Standing counsel, Finance Department, Assam for his instruction which reflects that SD proposal has already been sent by the Soil Conservation Department to the Finance (Budget)

Department. However, such communication nowhere discloses the number of proposal.

**4.** In view of the aforesaid, Mr. Borpujari, learned Standing counsel, Finance Department, Assam submits that he is not in a position to obtain instruction.

**5.** The learned Standing counsel, Soil Conservation Department shall produce a copy of the SD proposal which was sent to the Finance (Budget) Department.

**6.** List this matter on **14.02.2025**.

**JUDGE**

**Comparing Assistant**