

GAHC010026792026



undefined

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

Case No. : WP(C)/945/2026

LAGAN BASOWAR
D/O SRI GOPI BASOWAR, R/O- NILPUR TEA ESTATE, P.O AND P.S-
BISWANATH CHARALI, DIST- BISWANATH, ASSAM, PIN- 784176

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, REVENUE AND DISASTER MANAGEMENT DEPARTMENT,
DISPUR, GUWAHATI-6.

2:THE DISTRICT COMMISSIONER
BISWANATH
ASSAM
PIN- 784176

3:THE ADDL. DEPUTY COMMISSIONER AND I/C BISWANATH
ASSAM
PIN- 784176

4:THE CIRCLE OFFICER
BISWANATH REVENUE CIRCLE
BISWANATH
PIN- 784176

5:THE COMMISSIONER AND SECRETARY
TO THE GOVERNMENT OF ASSAM
FINANCE DEPARTMENT
DISPUR
GUWAHATI-6

6:THE TREASURY OFFICER

BISWANATH TREASURY
BISWANATH
ASSAM
PIN- 78417

Advocate for the Petitioner : MR. I H SAIKIA, A PATHAK,MR. B BORAH,MR. K KALITA,MR K KASHYAB

Advocate for the Respondent : GA, ASSAM, SC, FINANCE,SC, REVENUE

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

30.03.2026

Heard Mr. I. H. Saikia learned counsel for the petitioner, Mr. T. C. Chutia, learned counsel appears for the Respondent, Mr. S. Dutta, learned Standing Counsel, Revenue Department.

2. The petitioner is before this Court is aggrieved that in spite of the petitioner being reinstated in service, his salary as due has not been released, rather he has been paid at the rate of 75 % of his salary. The learned counsel for the petitioner submits that there is no explanation as to why the petitioner is not being paid his full salary as due.

3. When this matter was filed, the learned counsel for the respondents were permitted some time to obtain their instructions. They have filed their affidavit, where at Paragraph No. 5 and 6 the following averments are made:

5. That the deponent states that the arrear salary from the month

of April, 2023 to March, 2024 as per the direction of the Hon'ble Gauhati High Court's order in WP(C) No 6871/2023 is ready with the O/o Circle Officer and the same may be disbursed to the petitioner after approval from the Govt. of Assam.

6. That the Deponent states that in accordance with the order No Ecf No 61492/DFA/436467 Dtd 14/7/2025 passed by then District Commissioner, Biswanath, the penalties imposed on Sri Lagan Basowar (LRA) were revoked, and the petitioner was allowed to draw salary and other allowances from the date of reinstatement. However, as per record, the Hon'ble Gauhati High Court did not issue any ruling in WP(C) 687/2023 on 19/02/2024 as seen, the Circle Officer, Biswanath Rev. Circle & DDO was unable to pay the salary and other allowances from the date of reinstatement.

4. Upon perusal of such averments made in that affidavit, it is seen that the respondent do not dispute that the petitioner is entitled to his claim for salary. It is also seen that the matter is pending for approval before the Government of Assam.

5. Under such circumstances, this Court is of the considered view that the writ petition be closed with a direction to the Government of Assam to release all arrear salary of the petitioner within a period of 60 days from the date of receipt of certified copies of this order.

6. Needless to say that once the approval is granted by the State, the amount payable to the writ petitioner should be released forthwith.

7. In the absence of any specific order suspending the writ petitioner or

directing release of lesser amount of salary, the concerned authorities will release the full amount of salary payable to the petitioner for the services rendered by him.

8. Accordingly, in terms of the above, this writ petition stands disposed of.

JUDGE

Comparing Assistant