

GAHC010053032025



2026:GAU-AS:4632

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

Case No. : WP(C)/1454/2025

MOHAN SAIKIA

S/O- LATE LOHIT CHANDRA SAIKIA, R/O- STATION ROAD, WARD NO. 5,
GOALGHAT TOWN, P.O. AND P.S.- GOLAGHAT, DIST- GOLAGHAT, ASSAM,
PIN- 785621.

VERSUS

THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM AND 3
ORS.

HEALTH AND FAMILY WELFARE (A) DEPARTMENT, ASSAM SECRETARIAT,
DISPUR, GHY- 06.

2:THE ADDITIONAL CHIEF MEDICAL AND HEALTH OFFICER (FW)

GOLAGHAT
ASSAM

3:THE UNDER SECRETARY TO THE GOVT. OF ASSAM
FINANCE (EC-III) DEPARTMENT
DISPUR
GUWAHATI-6.

4:THE ACCOUNTANT GENERAL (A AND E)

ASSAM
MAIDAMGAON
BELTOLA
GUWAHATI
DIST. KAMRUP METRO
ASSAM
PIN- 781029

Advocate for the Petitioner : MS. B DEVI, MS. S AHMED,MS. K A PUJARI

Advocate for the Respondent : SC, HEALTH, MR. R.K. TALUKDAR, (R-4), SC, AG (A AND E),MR. D. UPAMANU, (R-1&2), SC, HEALTH AND F W,SC, AG,MR. P NAYAK, (R-3), SC, FINANCE

**BEFORE
HONOURABLE MR. JUSTICE KARDAK ETE**

ORDER

Date : 31-03-2026

Heard Ms. K. A. Pujari, learned counsel for the petitioner. Also heard Mr. D. Upamanyu, learned Standing Counsel, Health and Family Welfare Department for the respondent Nos. 1 & 2; Mr. A. Chaliha, learned Standing Counsel, Finance for the respondent No. 3 and Mr. B. Sarma, learned Standing Counsel, Accountant General, Assam, for the respondent No. 4.

2. By filing this writ petition, the petitioner has prayed for a direction to the respondent authorities to pay the arrear salary and allowances w.e.f. 01.01.2013 to 28.02.2014, amounting to Rs. 7,12,930/- (Rupees Seven Lakhs Twelve Thousand Nine Hundred Thirty).

3. The petitioner is a retired Sub Divisional Medical & Health Officer (SDM & HO). He was initially appointed as Medical & Health Officer – I (M & HO – I) on 10.12.1983 at the Berlimari State Dispensary, Nowgong, in the Department of Health and Family Welfare, Government of Assam. While serving in the said capacity, disciplinary proceedings were initiated against him alleging unauthorised absence from service; however, the same were subsequently dropped. Thereafter, the petitioner was promoted to the post of Senior Medical & Health Officer (Sr. M & HO) vide order

dated 06.05.2013.

4. Due to the departmental proceedings and the subsequent dropping of the same, a total arrear salary of Rs. 19,11,030/- (Rupees Nineteen Lakhs Eleven Thousand Thirty) was accrued to the petitioner, out of which a sum of Rs. 12,16,121/- (Rupees Twelve Lakhs Sixteen Thousand One Hundred Twenty One) was paid. However, the remaining amount of Rs. 7,12,930/- (Rupees Seven Lakhs Twelve Thousand Nine Hundred Thirty) has not been paid and despite repeated approaches, the respondent authorities have failed to release the arrear for the period from 01.01.2013 to 28.02.2014. Therefore, the petitioner prays for the release of the said amount.

5. Mr. B. Sarma, learned Standing Counsel, Accountant General, Assam, appearing for respondent No. 4, by placing a copy of the instruction dated 02.06.2025, submits that the Office of the Accountant General has already issued the pay slip for the period from 01.01.2013 to 28.02.2014 and based on the same, the arrear pay and allowances in respect of the petitioner have been calculated by the Department to the extent of Rs. 7,12,932/- (Rupees Seven Lakhs Twelve Thousand Nine Hundred Thirty) only. He submits that the onus of making the payment now lies with the Department and the Office of the Accountant General has no further role in the matter.

6. Mr. D. Upamanyu, learned Standing Counsel, Health and Family Welfare Department, submits that the proposal for payment of arrear salary and allowances in respect of the petitioner for the period from 01.01.2013 to 28.02.2014, amounting to Rs. 7,12,932/- (Rupees Seven Lakhs Twelve Thousand Nine Hundred Thirty), has already been submitted

to the Government for sanction and as and when the sanction is received, the same shall be paid to the petitioner.

7. Having considered that the claim of the petitioner is not disputed, and also taking into account the submission that the arrear salary in respect of the petitioner, amounting to Rs. 7,12,932/- (Rupees Seven Lakhs Twelve Thousand Nine Hundred Thirty), has already been submitted for sanction by the concerned Department, I am of the considered view that no useful purpose would be served by keeping the writ petition pending. Accordingly, this writ petition is disposed of with a direction to the respondent authorities to release the admitted arrear salary of the petitioner, amounting to Rs. 7,12,932/- (Rupees Seven Lakhs Twelve Thousand Nine Hundred Thirty), w.e.f. 01.01.2013 to 28.02.2014, within a period of three months from today.

JUDGE

Comparing Assistant