

GAHC010062422026



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

**Case No. : WP(C)/1851/2026**

SONTOSH KUMAR DAS AND ANR

S/O- SRI KHOKA RAM DAS.

R/O- VILL.- BARBAKHARA, P.O.- FAGUNAGAON, DIST.- BONGAIGAON,  
ASSAM, PIN- 783390.

2: INDRAJIT SINGHA

S/O- SRI KARUNA KT. SINGHA.

R/O- VILL.- BHAKATGAON

P.O.- CHAPAR

DIST.- DHUBRI

ASSAM

PIN- 783371.

3: MONOJ KR. ROY.

S/O- POHARSING RAY.

R/O- VILL.- NO.3 JAMDOHA

P.O.- GERUKABARI

DIST.- BONGAIGAON

ASSAM

PIN- 783390.

4: SANKAR KINGKAR BORA

S/O SRI NAGENDRA NATH BORA

R/O- BVFCL

NAMRUP

QUARTER NO. 66/111/B

PO- PARBATPUR

DIST- DIBRUGARH

ASSAM

PIN- 786623

5: SALIM AHMED

S/O SULTAN AHMED

R/O- PALTAN BAZAR  
JALAL NAGAR RAIL LINE  
P.O- JALAL NAGAR  
DIST- DIBRUGARH  
ASSAM  
PIN- 786005

6: RAJU SHARMA  
S/O LATE MOTILAL SHARMA

R/O VILL- THAPABASTI DULIAJAN ANANDAPARA  
PO- DULIAJAN  
DIST- DIBRUGARH  
ASSAM  
PIN- 786602

7: RAJU SARMA  
S/O SRI CHURAMANI SARMA

VILL- NO.1 SAIKIASUBURI  
PO- ORANG  
DIST- UDALGURI  
ASSAM  
PIN- 784114

8: KHIROD SANGMAI  
S/O SRI RUKHESWAR SANGMAI

R/O- VILL- MARAN MAUT HELAGAON  
PO- MORAN  
DIST- CHARAIDEO  
ASSAM  
PIN- 785669

9: KAPIL YADAV  
S/O SRI PROMOD YADAV

R/O VILL- PATHAN PATTY  
PO- DIBRUGARH  
DIST- DIBRUGARH  
ASSAM  
PIN- 786001

10: HIRANYA SONOWAL  
S/O SRI SUDHESWAR SONOWAL

R/O CHAKIDING UDAYPUR  
PO AND DIST- DIBRUGARH  
ASSAM  
PIN- 786001

11: ARPAN GOGOI  
S/O SRI SUBHAS GOGOI

R/O VILL- NIZ LOHOWAL RAJAKHAT  
PO- LAHOWAL  
DIST- DIBRUGARH  
ASSAM  
PIN- 786010

12: ZAKIR HUSSAIN SARKAR  
S/O ALAUDDIN SARKAR

R/O VILL- KALDOBA PT-I  
PO- AGOMONI  
DIST- DHUBRI  
ASSAM  
PIN- 783339

13: DILIP KR. RAY  
S/O SRI HARKESWAR RAY

R/O VILL AND PO- BAGARGAON  
DIST- CHIRANG  
ASSAM  
PIN- 783390

14: GOPAL CHANDRA BARMAN  
S/O SRI TARINI BARMAN

R/O- VILL- SRIRAMPUR  
PO- SRIRAMPUR  
DIST- KOKRAJHAR  
ASSAM  
PIN- 783361

15: ANSULA BORO  
S/O SRI BIREN BORO

R/O VILL- SILBARI MONAKOCHA  
PO- SILBARI  
DIST- CHIRANG  
ASSAM  
PIN- 783390

16: BIDYUT BHUIYAN  
S/O LATE GANESH CH. BAISHYA

BARPATHAR TOWN  
PO- BARPATHAR  
DIST- GOLAGHAT  
ASSAM  
PIN- 785602

17: GHANA KANTA GOGOI  
S/O SRI SORUKON GOGOI

R/O VILL- BATIPORIA  
PO- BATIPORIA  
DIST- GOLAGHAT  
ASSAM  
PIN- 785618

18: BITUL KR. DUTTA  
S/O SRI DIMBESWAR DUTTA

R/O VILL- BAGHMARAPOTIA  
PO- BAGHMARA  
DIST- JORHAT  
ASSAM  
PIN- 785101

19: NIPUL BORA  
S/O SRI MATHURAM BORA

R/O VILL- BIBIJAN CHAMAGURI  
PO- TITABAR  
DIST- JORHAT  
ASSAM  
PIN- 785630

20: BIJAY DAS  
S/O SRI DRUPAD DAS

R/O VILL- WOKHA GORONGA TINIALI  
PO- BARUAGAON

DIST- GOLAGHAT  
ASSAM  
PIN- 785603

21: NABANITA PATHAK  
D/O LATE KANAK CH. PATHAK

R/O SURUJ NAGAR  
PO- KHANAPARA  
DIST- KAMRUP (METRO)  
ASSAM  
PIN- 781022

22: BIPUL DAS  
S/O SRI BAPUTI DAS

R/O VILL- GARALDHA MIRZAPUR  
PO- BHATTAPARA  
DIST- KAMRUP (METRO)  
ASSAM  
PIN- 781017

23: PRANITA NATH  
W/O SRI JAGADISH CH. NATH

R/O VILL- AZARA OJHAPARA  
PO- AZARA  
DIST- KAMRUP (METRO)  
ASSAM  
PIN- 781017

24: ATUL RAY  
S/O SRI GAJIN CH. RAY

R/O VILL- JHAWBARI  
PO- NOWAGAON  
DIST- BONGAIGAON  
ASSAM  
PIN- 783392

25: ABU ELIUS  
S/O NURUL ISLAM

R/O VILL- KACHERIPETI  
PO- AMBARI  
DIST- BONGAIGAON  
ASSAM  
PIN- 783384

26: JAGODISH ROY  
S/O SRI PROMOTH NATH ROY

R/O VILL- MADHUSOULMARI  
PO- KHUDIMARI  
DIST- DHUBRI  
ASSAM  
PIN- 783331

27: KABIL UDDIN AHMED  
S/O- ABDUL ALI

R/O VILL- KOKILA PT-I  
PO- KOKILA  
DIST- BONGAIGAON  
ASSAM  
PIN- 783392

28: BISHU CH. RAY  
S/O- SRIJOGESH CH. RAY

R/O VILL- BADARPURGHAT  
W/NO. 5  
P.O- BADARPURGHAT  
DIST- KARIMGANJ  
ASSAM  
PIN- 788806

29: ABDUL MANNAN BARBHUIYA  
S/O MAHMUD ALI BARBHUIYA

R/O VILL- SAHABAD PT-I  
P.S-LALA  
DIST- HAILAKANDI  
ASSAM  
PIN- 788163

30: ABDUL HAMID CHOUDHURY  
S/O SHIRAJUL HOQUE CHOUDHURY

R/O VILL AND PO- LAKHIRBOND  
DIST- HAILAKANDI  
ASSAM  
PIN- 788155

31: SELIM UDDIN LASKAR  
S/O RAHMAN ALI LASKAR

R/O VILL- DAKSHIN JASHNABAD PT-II  
PO- TANTOO  
DIST- HAILAKANDI  
ASSAM  
PIN- 788163

32: GULEY AHMED LASKAR  
S/O ABDUL MATIN LASKAR

R/O VILL AND PO- CHIPORSANGAM  
DIST- HAILAKANDI  
PIN- 78881 ASSAM

33: SAHAB UDDIN BARBHUIYA  
S/O ABDUR RAZAK BARBHUIYA

R/O VILL- ALGAPUR PT-I  
PO- KALIBARI  
DIST- HAILAKANDI  
ASSAM  
PIN- 788162

34: ABDULLA MIA BARBHUIYA  
S/O BABUR ALI BARBHUIYA

R/O- VILL- ALGAPUR PT.-I  
PO- ALGAPUR KALIBARI BAZAR  
DIST- HAILAKANDI  
ASSAM  
PIN- 788150

35: SIRAJUL ISLAM MAZUMDER  
S/O AZIJUR RAHMAN MAZUMDER

R/O VILL- PACHIM KITTERBOND  
PO- MONACHERRA  
DIST- HAILAKANDI  
ASSAM  
PIN- 788164

36: ZAKIR HUSSAIN LASKAR  
S/O ALI AHMED LASKAR

R/O N.S. ROAD  
PO- RATANPUR ROAD  
DIST- HAILAKANDI  
ASSAM

PIN- 788155

37: MUJIBAR RAHMAN BARBHUIYA  
S/O MOTIUR RAHMAN BARBHUIYA

R/O OLD LAKHIMPUR ROAD  
P.O AND P.S- SILCHAR  
DIST- CACHAR  
ASSAM  
PIN- 788001

38: ROUF HUSSAIN  
S/O DILDAR HUSSAIN

R/O BIDYAPARA COLLEGE ROAD  
W/NO. 15  
P.O- BIDYAPARA  
DIST- DHUBRI  
ASSAM  
PIN- 783324

39: AFTAUR RAHMAN BARBHUIYA  
S/O SIDDEK ALI BARBHUIYA

R/O VILL- DAKSHIN JASHNABAD PT-II  
P.O- TANTOO  
DIST- HAILAKANDI  
ASSAM

40: HEMANTA KALITA  
S/O- SRI MUNIN KALITA.  
R/O VILL AND PO- MIRZA  
MILANPUR HILLSIDE  
DIST- KAMRUP  
ASSAM  
PIN- 781125

41: DILIP KR. UZIR  
S/O SRI BHUBAN UZIR

R/O VILL- POCHABASTI  
PO- HUGRAJULI  
DIST- SONITPUR  
ASSAM  
PIN- 784507

42: RUPJYOTI BHUIYAN  
S/O SRI PADMA KR. BHUIYAN

R/O VILL- PURANIGUDAM BARPANI GAON  
P.O- SAMUGURI  
DIST- NAGAON  
ASSAM  
PIN- 782140

43: DEBABRAT SARKAR  
S/O SRI DIPAK RANJAN SARKAR

R/O SYNERGY PARADISE APARTMENT  
BIDYAMANDIR PATH  
BARSAJAI  
GUWAHATI  
PIN-781028 ASSAM

44: BHUBAN CH. DAS  
S/O SRI DAYA RAM DAS

R/O VILL AND PO- KATHKATIA BHAKAYGAON  
JAMUNAGAON  
DIST- NAGAON  
ASSAM  
PIN- 782428

45: SELIM UDDIN AHMED  
S/O LATE SAIFUDDIN AHMED

R/O VILL- UJANKURI  
P.S- HAJO  
PO- UJANKURI  
DIST- KAMRUP  
ASSAM  
PIN- 781102

46: DIPTI HAZARIKA  
D/O LATE IKHAKU HAZARIKA  
R/O AIR FORCE GATE  
BELORGURI  
NEAR KALI MANDIR  
P.O- BONGORA  
DIST- KAMRUP(M)  
ASSAM  
PIN-78101

VERSUS

THE STATE OF ASSAM AND ORS

REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT OF  
ASSAM, HAVING ITS OFFICE AT ASSAM SECRETARIAT, DISPUR,  
GUWAHATI, DIST.- KAMRUP(M), PIN- 781006.ASSAM.

2:THE COMMISSIONER AND SECRETARY  
GOVERNMENT OF ASSAM  
HAVING HIS OFFICE AT ASSAM SECRETARIAT  
DISPUR  
GUWAHATI  
DIST.- KAMRUP(M)  
ASSAM  
PIN - 781006.

3:THE SECRETARY.  
GOVERNMENT OF ASSAM  
AGRICULTURE DEPARTMENT  
HAVING HIS OFFICE AT ASSAM SECRETARIAT  
DISPUR  
GUWAHATI  
DIST.- KAMRUP(M)  
ASSAM  
PIN- 781006.

4:THE DIRECTOR  
AGRICULTURE DEPARTMENT  
ASSAM  
KHANAPARA  
GUWAHATI-781022  
DIST.- KAMRUP(M)  
ASSAM.

5:THE ASSAM STATE AGRICULTURE MARKETING BOARD.  
REPRESENTED BY THE CHAIRMAN  
HAVING ITS OFFICE AT RAMKRISHNA MISSION  
ULUBARI  
GUWAHATI-781007  
DIST.- KAMRUP(M)  
ASSAM.

6:THE CHIEF EXECUTIVE OFFICER  
ASSAM AGRICULTURAL MARKETING BOARD  
HAVING ITS OFFICE AT RAMKRISHNA MISSION  
ULUBARI  
GUWAHATI-781007  
DIST.- KAMRUP(M)

**Advocate for the Petitioner** : MR. H. BURAGOHAIN, MR. C AGARWAL,MS. H BORAH,MS A  
DEVI,M BURAGOHAIN

**Advocate for the Respondent** : SC, AGRI. DEPARTMENT, GA, ASSAM, SC, AGRICULTURE MARKETING BOARD.

**BEFORE  
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

**ORDER**

**30.03.2026**

Heard Mr. H. Buragohain, learned counsel for the petitioner.

The petitioners are employees of Assam State Agricultural and Marketing Board (ASAMB). They are aggrieved that their salaries from the period of May 2025 till date has not been released.

It is submitted that sufficient funds are available at the disposal of the Marketing Board. However, in spite of that, their arrear and current salaries have not been released.

Mr. N.J. Gogoi, learned standing Counsel appearing for the Marketing Board submits that although an amount of Rs. 9,75,41,052.00 is lying unutilized in the bank account of the ASAMB, the board is awaiting instructions from the Finance department in view of a Cabinet decision taken on 26.11.2024 regarding the continuance of the 136 employees of the Board who have not opted for VRS. The writ petitioners are part of the 136 employees who have not opted for VRS.

The learned counsel for the respondent Board was permitted to obtain instructions in view of the apprehension expressed by the counsel to petitioner that the amount lying unutilized in the bank account of ASAMB may lapse considering the financial year ending is approaching tomorrow.

The matter was called up in the post-lunch session when Mr. N.J. Gogoi, learned standing counsel for the ASAMB, has placed before the Court a communication dated 30.03.2026 and submits that the amount of ₹9,75,41,052.00 which is lying unutilized in the accounts of the ASAMB, will remain with the ASAMB and will not lapse after the expiry of the financial year 2025-26. However, in view of the communication dated 06.03.2026 addressed to the Finance Department seeking instructions regarding the utilization of the above amount, further instructions are awaited from the Finance Department. It is further submitted that salaries of the employees from October, 2024 to May 2025, after implementation of the VRS, has been released in the meantime.

Considering the submissions made at the bar, this court is of the view that since the respondents on instructions have submitted that the amount lying at the disposal of the ASAMB amounting to Rs. 9,75,41,052.00 shall not lapse after expiry of the financial year, no separate or specific directions are required to be issued to transfer these amounts to any other separate bank account of the ASAMB.

The respondents will obtain clear instructions as to why the current and the arrear salaries of the writ petitioners have not been released in spite of the amount lying at the disposal of the ASAMB, more particularly when the said amount has been received from the Government of Assam for payment of (i) outstanding and regular monthly salary, (ii) employees' provident fund, etc., (iii) leave encashment and gratuity.

Let these instructions be placed before the Court on the next returnable date.

Issue Notice, Returnable in four weeks.

Since, Mr. A Chakrabarty, learned counsel appears for the respondent No. 1; Ms. G Bora, learned counsel appears for the respondents No. 2, 3 & 4 and Mr. N.J. Gogoi, learned Standing Counsel appears on behalf of respondents No. 5 & 6, Notices are waived. However, extra copies be furnished within one week from today.

Pendency of this petition shall not be a bar to release the arrears and the current salaries of the petitioners.

Matter be listed after returnable date.

**JUDGE**

**Comparing Assistant**