

GAHC010057072021



2025:GAU-AS:13174

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

Case No. : WP(C)/1822/2025

SMTI USHA DAS
WIFE OF LATE PARESH CHANDRA DAS ALIAS PARESH CH DAS RESIDENT
OF HNO 64
KRISHNA NAGAR
DISPUR
GUWAHATI 5 KAMRUP METRO
ASSAM

VERSUS

THE STATE OF ASSAM AND ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY GOVERNMENT
OF ASSAM
SOIL CONSERVATION DEPARTMENT
DISPUR
GUWAHATI 6

2:THE COMMISSIONER AND SECRETARY

FINANCE DEPARTMENT
DISPUR
GUWAHATI 6

3:DIRECTOR OF SOIL CONSERVATION
ASSAM BHUMI SANGRAKSHAN BHAWAN
1ST FLOOR
RG BARUA ROAD
GUWAHATI
ASSAM

4:ASSAM PLANTATION CROPS DEVELOPMENT CORPORATION LTD
OPPOSITE SARUSAJAI NATIONAL COMPLEX
SAWKUCHI

NATIONAL HIGHWAY-37
LAKHARA
GUWAHATI 781034 ASSAM
REPRESENTED BY ITS MANAGING DIRECTOR

5:MANAGING DIRECTOR
ASSAM PLANTATION CROPS DEVELOPMENT CORPORATION LTD
OPPOSITE SARUSAJAI NATIONAL COMPLEX
SAWKUCHI
NATIONAL HIGHWAY
LAKHARA
GUWAHATI 78134 ASSAM

Advocate for : MR P S RAJA
Advocate for : SC

SOIL CONSERVATION DEPTT. appearing for THE STATE OF ASSAM AND ORS

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : 24.09.2025

Heard Mr. A. Bhattacharyya, learned counsel for the petitioner. Also heard Mr. P. Hazarika, learned counsel appearing on behalf of respondent nos. 1, 3, 4 & 5; and Mr. P. Nayak, learned Standing Counsel, Finance Department for the respondent no. 2.

2. This instant case has been filed by the petitioner under Article 226 of the Constitution of India praying for a direction to the respondent authorities to make payment of retirement benefits to the petitioner including the Gratuity and Leave Encashment benefits with interest. The claimant, Late Paresh Chandra Das @ Paresh Ch. Das, the husband of the petitioner after serving the respondent corporation for about 39 (thirty-nine) years, retired on 31.03.2015. Subsequently, the claimant expired. However, till date, his retirement benefits, i.e., Gratuity and Leave Encashment benefits are yet to be paid.

3. It is seen that during the pendency of the writ petition, the respondent department by way of an additional affidavit brought to the notice of this Court that vide a State Cabinet decision dated 27.08.2025, the State Cabinet has given the approval for closure of the

respondent corporation. It has been stated in the affidavit that the amounts of retirement benefits of the petitioner along with some other petitioners shall be included in the Closure Cost of the corporation which the Hon'ble Cabinet has approved. It is also seen from the extract of the minutes of the Cabinet meeting held on 27.08.2025 at 3-30 pm in the Cabinet Room of Chief Minister's Office, Dispur that financial sanction for an amount of Rs. 600,00,000/- (VRS amount Rs. 243,37,000/- + Closure Cost Rs. 356,24,000/-) has been given by the Cabinet.

4. In view of the aforesaid affidavit filed by the respondents, the petitioner has agreed to approach the respondent department for the retirement benefits he is seeking under the instant writ petition.

5. In view of aforesaid facts that have been brought on record, this Court is of the considered opinion that there is no purpose of keeping this writ petition alive in this Court and, therefore, this Court directs the petitioner to submit his claim before the respondent department at the earliest so that the department may consider releasing his retirement benefits as soon as possible.

6. The petitioner shall submit a copy of this Order to the department as early as possible and accordingly, the department will decide on such claim.

7. Accordingly, this writ petition is disposed of with the aforesaid directions.

JUDGE

Comparing Assistant