

GAHC010205082017



2026:GAU-AS:434

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

Case No. : WP(C)/7608/2017

PRANITA SAIKIA
W/O. LT. PRANAB KUMAR SAIKIA, VILL. UTTAR BIDYANAGAR, P.O.
SINGARI BASTI, P.S. HOJAI, DIST. HOJAI, ASSAM, PIN-782435.

VERSUS

THE KARBI ANGLONG AUTONOMOUS COUNCIL and 2 ORS.
REPRESENTED BY THE PRINCIPAL SECRETARY, KAAC, DIPHU, KARBI
ANGLONG, ASSAM, PIN-782460.

2:THE JOINT SECRETARY
TOWN COMMITTEE AFFAIRS
KAAC

DIPHU
KARBI ANGLONG
ASSAM
PIN-782460.

3:THE EXECUTIVE OFFICER
DONKAMUKAM TOWN COMMITTEE

P.O. DONKAMUKAM
DIST. WEST KARBI ANGLONG
ASSAM
PIN-782485.

4:DONKAMUKAM TOWN COMMITTEE (DTC)
REPRESENTED BY ITS CHAIRMAN
P.O.- DONKAMUKAM
P.S- BAITHALUNGSHU DIST- WEST KARBI ANGLONG
ASSAM
PIN-782485

Advocate for the Petitioner : MS.I KEITZAR, MR.C HANSE,MR.M SARANIA,MR.S U AHMED

Advocate for the Respondent : , SC, K A A C

**BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI**

ORDER

Date : 09.01.2026

Heard Mr. A. Sarania, learned counsel appearing for the petitioner. Also heard Ms. S. Kemprai, learned Standing Counsel appearing for the KAAC.

2. Though service in respect of the newly impleaded respondent No. 4, i.e., Donkamukam Town Committee (DTC) as per the office note dated 28.07.2025 stands complete, none enters appearance for the respondent No. 4 on call today.

3. By way of this instant writ petition under Article 226 of the Constitution of India, the petitioner is seeking release of the arrear salary of her husband, i.e., Late Pranab Kumar Saikia amounting to Rs. 10,08,730/-.

4. The brief facts of the case are that the petitioner's husband served as a Junior Engineer in DTC since June, 1989. He died in harness on 11.02.2015 leaving behind the petitioner and one son. It is the specific case of the petitioner that though the husband of the petitioner was appointed on a regular basis but he was not paid his salary regularly along with other staff of DTC due to the non-availability of the required funds for salary. Due to which an arrear salary from the month of May, 2010 to February, 2015 to the tune of Rs. 10,08,730/- stood due to the petitioner's husband. It is the further case of the petitioner that after the death of the petitioner's husband, she visited the office of the DTC on

several times and requested the Chairman and the Executive Officer of the DTC to release the arrear salary of her husband; however, till date the arrear salary have not been paid to the petitioner. Situated thus, the present writ petition has been filed.

5. Mr. A. Sarania, learned counsel appearing for the petitioner, submits that the arrear salary claimed by the petitioner in respect of her husband is admitted by the DTC, however, the same remains due solely due to the non-availability of fund.

6. Ms. S. Kemprai, learned Standing Counsel appearing for the KAAC, fairly submits that the KAAC, Diphu, has no objection to the release of the arrear salary to the petitioner inasmuch as the same is admitted by the DTC. She further submits that during the pendency of the writ petition, out of the arrear salary amounting to Rs. 10,08,730/-, an amount of Rs. 02,83,292/- has been released to the petitioner. It would be worth mentioning that Mr. A. Sarania, learned counsel appearing for the petitioner admits receiving the said amount of Rs. 02,83,292/- post filing the writ petition.

7. I have heard the learned counsel appearing for both the parties and have perused the material on record.

8. The grievance raised in the writ petition pertain to non-payment and irregular payment of salary of the petitioner's husband who was regularly appointed and served under the DTC functioning under the KAAC, for a prolonged period from June, 2010 till February, 2015, resulting in arrear amounting to Rs. 10,08,730/- (Ten lakhs eight thousand seven hundred and thirty). A detailed chart showing the year wise break up and outstanding dues are as follows:

<i>Sl No.</i>	<i>Period</i>	<i>Total Month</i>	<i>Amount</i>
1.	May, 2010 to June, 2010	6 months	Rs. 1,13,998/-
2.	September, 2010 to December, 2010	4 months	
3.	January, 2011 to June, 2011	6 months	Rs. 2,87,634/-
4.	July, 2011 to December, 2011	6 months	
5.	January, 2012 to June, 2012	6 months	Rs. 2,62,944/-
6.	July, 2012 to October, 2012	4 months	
7.	April, 2014 to June, 2014	3 months	Rs. 2,93,220/-
8.	July, 2014 to December, 2014	6 months	
9.	January, 2015 to half February, 2015	1 ½ months	Rs. 50,934/-
Total amount-			Rs. 10,08,730/-

9. The respondents have not disputed the correctness of the arrear. On the contrary, the DTC, by its communication dated 21.08.2017 addressed to the learned counsel appearing for the petitioner, has admitted the outstanding liability and has stated that the salary would be

paid on a monthly basis from the fund of Grant in Aid of KAAC, Diphu. It is also admitted that during the pendency of the writ petition, a sum of Rs. 02,83,292/- has been released to the petitioner.

10. It would be worth mentioning that pursuant to the order of this court passed on 21.11.2022, the petitioner, by filing an additional affidavit on 17.02.2023, has brought on record the typed copy of the letter dated 24.05.2017 issued by the Executive Officer, DTC, to submit a crystal picture regarding the arrear salary of the petitioner's deceased husband. The said letter dated 24.05.2017 reads as under:

“(Typed copy)”

OFFICE OF THE

DONKAMUKAM TOWN COMMITTEE (DTC) DONKAMUKAM: KARBI ANGLONG

No. DNK/TC/GIA-4/2016-17/587, Dated: Donkamukam the 24th May/2017.

To,

The Joint Secretary,

Town Committee Affairs, etc.

Karbi Anglong Autonomous Council.

Diphu.

Subject: Release of fund for payment of Staff Salary.

Sir,

With reference to the subject cited, I have the honour to inform you that 2 (two) nos. of staff Employees of Donkamukam Town Committee has expired in the year' 2015. Late Pronob Kr. Saikia, Junior Engineer had died on 11th February' 2015 and Late Mahindra Baspur died on 2nd April/2015 And their arrear monthly salary has pending at least 40 months period from the following monthly and yearly wise below and the expired family are suffering from financial hardship in respect of maintenance of specially School/College going student. They have depressed physically and mentally due to failure for maintained of their family members.

Hence, the undersigned request you to kindly sanction and release the pending salary amount of Total Rs. 15, 56,046/- (Rupees Sixteen Lakhs fifty six thousand forty six) only for payment of their pending salary to solve their suffering.

1. Late Pronob Kr. Saikia, Junior Engineer, Pending May to June/2010, Sep/2010 to Dec/2010, January/2011 Dec/2011, January to October/2012, April/2014 to December/2014. January/2015 to 15th February/2015 total 38 months 15th Days.

Total Rs. 10,08,730/-

2. Late Mohendra Baspur Town Sweeper, Pending May to June/2010, September to December/2010. January to December/2011, January to October/2012, April to June/2014, July to December/2014 January to March/2015. Total 40 Months Total Rs. 6,47,316/-

This is for favour of your kind information and necessary action.

Yours faithfully,

*Sd/- (Illegible)
Executive Officer,
Donkamukam Town Committee*

No. DNK/TC/GIA-4/2016-17/587-A

Dated: Donkamukam the 24/05/2017

11. Reading of the aforesaid letter, it is apparent that the Executive Officer, DTC, admits Rs. 10,08,730/- as the outstanding arrear salary of the deceased petitioner's husband and has accordingly requested the Joint Secretary, Town Committee Affairs, KAAC, to sanction and release the said pending arrear salaries to the petitioner.

12. The only justification sought to be advanced for non-payment of the remaining arrears is the non-availability of funds. This court is unable to accept such a plea. It is well settled that financial constraints or paucity of funds cannot be a valid defence for withholding salary payable to a regularly appointed employee. Salary is not a bounty but a statutory and constitutional entitlement flowing from the right to livelihood under

Article 21 of the Constitution of India.

13. The admitted position that the salary was irregularly paid over a span of nearly 5 (five) years clearly demonstrates arbitrariness on the part of the respondent authorities. Once the employer admits the liability, it is under corresponding obligation to ensure timely disbursement. The widow of the deceased employee cannot be made to suffer on account of internal financial arrangements between the town committee and the district autonomous council.

14. This court accordingly is of the opinion that this writ petition deserves to be allowed, in the interest of justice, by directing the respondents to release and disburse the entire outstanding salary arrear, after adjusting the amount of Rs. 02,83,292/- already paid in favour of the petitioner within a period of 3 (three) months from the date of the receipt of the certified copy of the order.

15. Ordered accordingly.

16. It is needless to clarify that the plea of non-availability of funds shall not be cited as a ground for any further delay in compliance. In the event of failure to comply with this order within the stipulated period, the petitioner shall be at liberty to seek appropriate remedies available in law.

17. Accordingly, the writ petition stands allowed and disposed of.

JUDGE

Comparing Assistant