

GAHC010205082017



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

Advocate for the Petitioner : MS.I KEITZAR

Advocate for the Respondent :

**BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK**

ORDER

17.07.2023

Heard Mr. M Sarania, learned counsel for the petitioner and Ms. S Kemprai, learned Standing counsel, Karbi Anglong Autonomous Council (KAAC) for the respondent Nos. 1 to 3.

Husband of the petitioner was appointed as a Junior Engineer in the Office of the Dongkamukam Town Committee under the Karbi Anglong Autonomous Council (KAAC) vide order dated 22.06.1989 issued by the Chairman of Dongkamukam Town Committee, pursuant to which he joined the said service. However, he died in harness on 11.02.2015.

The authorities in the Dongkamukam Town Committee, Dongkamukam, Karbi Anglong vide its letter No. DNK/TC/GIA-4/2016-17/587 dated 24.05.2017 admitted that an amount of Rs. 10,08,730/- was payable to the late husband of the petitioner as his arrear salary for the months of (i) May, 2010 to June, 2010; (ii) September, 2010 to December, 2010; (iii) January, 2011 to December, 2011; (iv) January, 2012 to October, 2012; (v) April, 2014 to December, 2014 and (vi) January, 2015 to 15th February, 2015 in total 38 months 15 days. As the said arrear amount has not been paid since the death of the husband of the petitioner on 11.02.2015, the petitioner has filed this writ petition on 04.12.2017 claiming for the said arrear amount.

Though notice in this case was issued on 17.01.2018, but the respondent authorities have not paid the said arrear amount to the petitioner till date.

Pursuant to the order dated 21.11.2022 passed earlier in this proceeding, the petitioner has filed an additional affidavit in the matter on 17.02.2023.

Mr. Sarania, learned counsel appearing for the petitioner has submitted that the Finance Department in the KAAC on 06.10.2021 released an amount of Rs. 75,67,213/- to Dongkamukam Municipal Board vide sanction/release order No. KAAC/FIN-66/6th ASFC/Pt-II/2019/12 and inspite of that the arrear amount payable to the late husband

of the petitioner has not yet been released.

List on **28.07.2023**, enabling the respondent authorities in the KAAC to apprise the Court about the release of said admitted amount of Rs. 10,08,730/- to the petitioner as the arrear salary of the late husband of the petitioner, considering the fact that the husband of the petitioner expired on 11.02.2015 and his arrear salary has not yet been released till date inspite of notice in this case being issued on 17.01.2018.

JUDGE

Comparing Assistant