

GAHC010206002024



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

Case No. : WP(C)/5122/2024

PRASANTA BORGOHAIN
S/O- LATE PRIYA RAM
BORGOHAIN,
R/O- NAZIRA TOWN,
WARD NO-2, NEAR BORBORUAH PUKHURI,
P.O AND P.S- NAZIRA,
DIST- SIVASAGR, ASSAM,
PIN-785685

VERSUS

THE STATE OF ASSAM AND 3 ORS
REP. BY THE COMMISSIONER AND SECRETARY, TO THE GOVERNMENT
OF ASSAM, AGRICULTURE DEPARTMENT
HAVING HIS OFFICE AT ASSAM SECRETARIAT, DISPUR, GUWAHATI,
DISTRICT- KAMRUP(METRO), ASSAM, PIN CODE- 781006.

2:THE UNDER SECRETARY
TO THE GOVT OF ASSAM
FINANCE DEPARTMENT
DISPUR
GUWAHATI-06

3:THE ASSAM STATE AGRICULTURAL MARKETING BOARD
REP. BY ITS CHAIRMAN
RAMAKRISHNA MISSION ROAD
ULUBARI
GUWAHATI-07

4:THE CHIEF EXECUTIVE OFFICER
ASSAM STATE AGRICULTURAL MARKETING BOARD

RAMAKRISHNA MISSION ROAD
ULUBARI
GUWAHATI-0

Advocate for the Petitioner : MR. P SARMA,

Advocate for the Respondent : SC, FINANCE, SC, AGRI. DEPARTMENT, SC, AGRICULTURE
MARKETING BOARD.

BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM

ORDER

Date : 01/10/2024

Heard Mr. P. Sarma, learned counsel for the writ petitioner.

The writ petitioner herein, is serving under the Assam State Agricultural Marketing Board (ASAMB). Alleging that despite being eligible to receive financial upgradation under the MACP scheme, the petitioner has been deprived of such benefit whereas, other similarly situated employees were given the benefit of such financial upgradation, this writ petition has been filed.

Contending that the petitioner has already submitted application for voluntary retirement, Mr. Sarma submits that if the aforesaid anomaly is not rectified than in that event, the same would affect the quantum of retirement benefit receivable by the petitioner after his voluntary retirement.

Mr. N.J. Gogoi, learned Standing Counsel, ASAMB, appearing for the respondent nos. 3 & 4, prays for some time to obtain instruction in the matter.

Issue notice of motion returnable in six weeks.

Since Ms. R. Bora, learned Standing Counsel, Agriculture Department, Assam, has appeared and accepted notice on behalf of the respondent no.1, Mr. P. Nayak, learned Standing Counsel, Finance Department, Assam, has accepted notice on behalf of the respondent no. 2 and Mr. N.J. Gogoi, learned Standing Counsel, ASAMB, has accepted notice on behalf of the respondent nos. 3 & 4,

service of notice is deemed to be complete in this case. However, extra copies of the writ petition, requisite in numbers, be furnished to the learned departmental counsel within one week from today, so as to enable them to obtain instruction.

List accordingly.

JUDGE

sukhamay

Comparing Assistant