

GAHC010206002024



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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, MR. N J GOGOI, SC, AGRI. DEPARTMENT, SC,
AGRICULTURE MARKETING BOARD.

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

24.09.2025

Heard Mr. P. Sarma, learned counsel for the petitioner as well as Ms. C. Saikia, learned counsel for the respondent no.1, Mr. R. Borpujari, learned standing counsel for the respondent no.2 and Mr. N.J. Gogoi, learned standing counsel for the respondent nos.3 and 4.

2. It is submitted that in the affidavit-in-opposition filed by the respondent no.3, the Chief Executive Officer of the Assam State Agricultural Marketing Board has admitted in paragraph-5 thereof about the entitlement of the petitioner to MACPS w.e.f. 01.01.2017. However, in a u-turn, in the additional affidavit-in-opposition filed by the respondent no.4, the Chief Executive Officer of the Assam State Agricultural Marketing Board in paragraph-4 has stated that no request for any revision is maintainable as per the policy decision of Voluntary Retirement Scheme (VRS for short) by the department as per the notification dated 15.02.2006.

3. Accordingly, the Chief Executive Officer of the Assam State

Agricultural Marketing Board is put to notice to inform the Court by way of an affidavit that under which policy, the benefit of MACPS already accrued in favour of the petitioner w.e.f. 01.01.2017 can be withheld, in as much as that the application for availing the Voluntary Retirement Scheme was made by the petitioner on 12.08.2024.

4. The filing of the affidavit in terms of this order shall not be a bar for the Chief Executive Officer of the Assam State Agricultural Marketing Board to release the MACPS benefit to the petitioner, if he is found entitled to the same.

5. The learned standing counsel for the Assam State Agricultural Marketing Board shall send a downloaded copy of this order to the Chief Executive Officer of the Assam State Agricultural Marketing Board.

6. List the matter on 29.10.2025.

JUDGE

Comparing Assistant