

GAHC010211902015



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

Case No. : Cont.Cas(C) 401/2015

1:SMTI GITA RANI KALITA
W/O SRI SURESH CHANDRA DEKA, R/O MOMAT NAGAR, JAPARKUCHI,
P.O. AND DIST- NALBARI, ASSAM

VERSUS

1:PREETAM SAIKIA and 3 ORS
COMMISSIONER AND SECY. TO THE GOVT. OF ASSAM, EDUCATION ELE
DEPTT., DISPUR, GHY-6

2:UDHAB DAS
DIRECTOR OF ELEMENTARY EDUCATION
ASSAM
KAHILIPARA
GHY-19
DIST- KAMRUP METRO
ASSAM

3:ANJALI DUTTA
DISTRICT ELEMENTARY EDUCATION OFFICER
NALBARI
P.O. NALBARI
ASSAM
PIN-781335

4:S.K. SOM
THE TREASURY OFFICER
NALBARI
P.O. NALBARI
ASSAM
PIN-78133

Advocate for the Petitioner : MR.R C SAIKIA

Advocate for the Respondent : MRG K SINGHR-3

**BEFORE
HONOURABLE MR. JUSTICE N. KOTISWAR SINGH**

ORDER

Date : 22-11-2019

Heard Mr. R. C. Saikia, learned counsel for the petitioner. However, none has appeared on behalf of the respondents.

This Court had passed the following order on 10.10.2018:-

“It is taken note of that by the order dated 06.01.2015 in WP(C) 2738/2010 the following directions were issued:

1. To pay the current salary of the petitioner in the pay scale of Rs. 3,130-6,600/- as per the revised pay with other admissible allowance within two months from the date of receipt of the copy of the judgment.

2. To pay all the arrear salary of the petitioner as revised from time to time with other admissible allowances w.e.f. October, 2007 within six months.

The respondent contemnor on the next date fixed shall produce a compliance of the said direction.

A stand is sought to be taken by Mr. N. Sarma that the case of the petitioner shall be put up before a screening committee in order to decide as to whether she is entitled to the aforesaid salaries or not. It being a specific direction by this Court for payment of salary in a situation where appeal against the concerned order has also been dismissed we do not see as to how the respondent authorities can redetermine the entitlement of the salary of the petitioner by referring it to a screening committee.

List again on 10.12.2018.

Copy of the order be provided to Mr. N. Sarma.”

Thereafter, this Court had passed the following order on 10.12.2018:-

Heard Mr. R. C. Saikia, learned counsel for the petitioner who submits that contempt petition is filed for non-compliance of the order dated 06.01.2015 passed in WP(C) No. 2738/2010. Though, the contempt petition has been filed in the year 2015 till date, the directions of this Court are yet to be complied with.

Mr. N. Sarma, learned counsel for the respondents also submits that in the meantime, the appeal filed against this order has also been dismissed by the Division Bench and this order has attained finality and therefore, there is no option for the respondent authority to comply with the order dated 06.01.2015.

Mr. Saikia submits that today was fixed for production of the compliance report of the direction of this Court.

Mr. N. Sarma, on the other hand, prays for some more time to produce such compliance report and submits that due to official procedure, the delay has been caused. This Court is not at all inclined to accept the explanation given by Mr. Sarma. Procedural formalities cannot be a reason to delay compliance of a direction of this Court, more so, when the said direction is of the year 2015.

However, in the interest of justice as a last opportunity, Mr. Sarma, appearing on behalf of the respondents is granted time to apprise this Court regarding compliance of the direction of this Court.

List this matter on 07.01.2019.

It is made clear that on the failure to produce such compliance report this Court would consider personal appearance of the respondents.”

In that view of the matter, let necessary compliance order be issued by 08.01.2020 failing which respondents shall be liable to appear before this Court on a date that may be fixed by the Court on 08.01.2020.

Mr. S.P. Bhattacharjee, learned Standing Counsel, Elementary Education Department, Government of Assam may inform the respondents about this order for which a copy of this order may be furnished to him.

List on 08.01.2020.

JUDGE

Comparing Assistant