

GAHC010214862025



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

Case No. : Cont.Cas(C)/508/2025

SHRI BISHNU RAM GOGOI
SON OF LATE KALIMON GOGOI, RESIDENT OF RAJDUWAR G.S.A ROAD,
BARICHUK, NORTH GUWAHATI, DISTRICT KAMRUP, ASSAM - 781030.

VERSUS

SHRI RAHUL CHANDRA DAS, ACS AND ANR
THE DIRECTOR, CULTURAL AFFAIRS, GOVERNMENT OF ASSAM,
DIRECTORATE OF CULTURAL AFFAIRS, RABINDRA BHAWAN, AMBARI,
GUWAHATI, ASSAM - 781001

2:SHRI JUGA KRISHNA RAJBONSHI
ACS THE PRINCIPAL (IN-CHARGE)
LUIT KONWAR RUDRA BARUA STATE COLLEGE OF MUSIC -CUM- JOINT
SECRETARY TO THE GOVT. OF ASSAM
DEPARTMENT OF CULTURAL AFFAIRS
GUWAHATI
ASSAM -781006

Advocate for the Petitioner : MR A ATREYA, MS. C KALITA

Advocate for the Respondent : MR. J K GOSWAMI (R-2), MR D NATH SR, GA ASSAM,MR D J BORO(R-2),M. K. BORAH(R-2)

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 06-05-2026

Heard Mr. A. Atreya, learned counsel for the petitioner. Also heard Mr. D. Nath, learned counsel for the respondents.

This Court vide order dated 23-10-2024 in W.P.(C) No. 4311/2022 had passed the following direction:-

“In view of the above and taking note of the submission made at the Bar, this writ petition is hereby disposed of with a direction upon the respondents to conclude the audit exercise, as expeditiously as possible, but not later than 60 (sixty) days from the date of receipt of a certified copy of this order. The pension claim of the petitioner including claim for other retirement dues, if any, be processed in accordance with law and finalise within a further period of 60 (sixty) days thereafter.”

Mr. D. Nath, learned counsel for the respondent has placed before this Court a communication dated 17-03-2026, issued to the petitioner in the matter and on a perusal of the same it is revealed that the audit exercise that was underway and which was directed to be concluded by this Court vide the said order dated 23-10-2024 has since been concluded and the amount recoverable from the petitioner has also been determined.

The contents of the communication dated 17-03-2016 being relevant is extracted, here-in-below:-

“With due respect, I am to inform you that during scrutiny of records and audit verification pertaining to your tenure, the Audit Report has reflected an amount of Rs. 10,93,000/- (Rupees Ten Lakh Ninety-Three Thousand only) as unaccounted Government money along with certain unrecovered liabilities.

Out of the aforesaid amount, a sum of Rs. 7,68,577/- (Rupees Seven Lakh Sixty-Eight Thousand Five Hundred Seventy-Seven only) has already been recovered by the Directorate of Cultural Affairs, Assam.

After careful examination of the relevant records and with the approval of the competent authority, it has been decided that the remaining amount of Rs.

3,24,423/- (Rupees Three Lakh Twenty-Four Thousand Four Hundred Twenty-Three only) is required to be recovered as Government liability attributable during your tenure.

You are therefore kindly requested to extend your cooperation and convey your consent for recovery of the above-mentioned amount so that the matter may be settled and the process of settlement of your regular pension may be carried out smoothly without further delay. You are also requested to kindly submit your pension-related documents at the earliest to facilitate timely processing.

Your prompt response and cooperation in this regard will be highly appreciated."

A perusal of the said communication would reveal that the respondent authorities have determined a further amount of Rs. 3,24,423/- (Three Lakh Twenty Four Thousand Four Hundred Twenty Three) only, to be recoverable from the petitioner and has further required the petitioner to give his consent for recovery of the above mentioned amount, for settlement of his pension and pensionary benefits. The petitioner has also been directed to submit the requisite documents for preparation of his pension proposal.

In view of the above position, the direction passed by this Court vide order dated 23-10-2024 has been found to have been substantially complied with and there is no willful and deliberate violation of such direction.

Accordingly, this Court is of the considered view that the present contempt petition need not be detained any further for adjudication.

The petitioner is at liberty to assail the recovery now directed to be made from him by institution of appropriate proceeding.

With the above directions and observations, the present contempt petition stands closed.

Notices issued stands recalled.

Copy of the communication dated 17-03-2026 furnished by Mr. D. Nath is kept on record, marked as 'X' for identification.

JUDGE

Comparing Assistant