

GAHC010245312023



2025:GAU-AS:11388

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

Case No. : WP(C)/6355/2023

KUMAR UTPAL BORAH AND ANR
SON OF LATE ABANI KANTA BORAH,
RESIDENT OF VILLAGE- BAMGAON (B.G. ROAD),
P.O. AND P.S.- BISWANATH CHARIALI,
DISTRICT- BISWANATH, ASSAM,
PIN- 784176.

2: PRASANTA BORAH
SON OF LATE ABANI KANTA BORAH

RESIDENT OF VILLAGE- BAMGAON (B.G. ROAD)

P.O. AND P.S.- BISWANATH CHARIALI

DISTRICT- BISWANATH
ASSAM

PIN- 784176

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM,
VETERINARY DEPARTMENT, DISPUR,
GUWAHATI-06.

2:THE ACCOUNTANT GENERAL
ASSAM
MAIDAMGAON
BELTOLA
GUWAHATI- 781029.

3:THE DIRECTOR

ANIMAL HUSBANDRY AND VETERINARY DEPARTMENT
ASSAM
GUWAHATI- 781003.

4:THE SUB-DIVISIONAL ANIMAL HUSBANDRY AND VETERINARY
OFFICER

BISWANATH CHARIALI

BISWANATH
ASSAM

Advocate for the Petitioner : MR. D CHAKRABARTY, MS D.CHAKRABARTY

Advocate for the Respondent : GA, ASSAM, MS. M M KOTOKY, SC, VETERINARY
DEPARTMENT (R-1,R-3,R-4),MS J DAS,SC, AG

BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

Date : 26.08.2025

1. Heard Mr. D Chakrabarty, learned counsel for the petitioners. Also heard Ms. M.M. Kotoky, learned standing counsel, veterinary Department and Mr. B Sarma, learned standing counsel, Accountant General (A&E).
2. By filing this writ petition, the petitioners who are two brothers of late Dr. Kumar Mohini Mohan Borah, a government servant, working as an Assistant Surgeon at State Veterinary Dispensary, Bihamari at Bedati under the Sub-Divisional A.H. & Veterinary Office, Biswanath Chariali, claim arrears of salary and other post retiral benefits due to their deceased brother.
3. Mr. B Sarma, learned standing counsel, Accountant General (A&E) submits that the dues like GPF has already been paid

to the persons entitled on the death of the government servant and no family pension can be processed as the legal heirs, are not entitled for any family pension. Such position is also not disputed by the learned counsel for the petitioners.

4. Ms. M.M. Kotoky, learned standing counsel, Veterinary Department referring to the affidavit in opposition filed by the Animal Husbandry & Veterinary Department, Assam submits that a proposal for payment of arrear salary amounting to Rs.4,35,391/- was submitted before the government for sanction under letter No.PI-3536/2020-21/77 dated 19/01/2020 and such amount was also sanctioned for payment. However, the amount could not be disbursed due to non receipt of FOC in the financial year 2021-22.

5. It is the further stand of the respondent that the respondents taken in their affidavit that the proposal was re-submitted to the government by letter No.12/Acctt/arrear salary/2021-22/Pt-V/1213 dated 16/06/2023, however, no sanction has been received during financial year 2023-24.

6. In view of the aforesaid admission of entitlement of arrears of salary and other post retiral dues, this court is of the opinion that this writ petition can be disposed of by directing the Director in the Animal Husbandry & Veterinary Department to carry out the necessary actions and file a fresh proposal for the payment of admitted arrears of salary and other retiral dues due to the legal heirs of the deceased government servant, namely, Dr. Kumar Mohini Mohan Borah, within a period of four weeks from today and thereafter duly assist the Finance Department for doing the needful.

7. A copy of the order shall also be furnished before the Commissioner & Secretary, Finance Department, Govt. of Assam for his notice so that once such proposal is submitted and necessary approval is sought by the Finance Department, the Finance Department can act promptly inasmuch as the payments are admittedly pending since the year 2020 and such amount could not be released for non receipt of FOC.
8. The entire exercise be carried out within a period of two months from the date of receipt of the proposal that may be submitted by the Director, Animal Husbandry & Veterinary Department in terms of the order passed today.
9. The writ petition stands disposed of.

JUDGE

Comparing Assistant