

GAHC010133592021



2025:GAU-AS:7523

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

Case No. : WP(C)/4491/2021

MANJULA RAY ADHIKARY
W/O- LT. MANIK CHANDRA RAY, R/O- VILL- RUPSI PART-III, P.O. RUPSHI,
P.S. KAZIGAON, DIST.- KOKRAJHAR, BTAD, ASSAM, PIN- 783331

VERSUS

THE STATE OF ASSAM AND 8 ORS
REP. BY SECY. TO THE GOVT. OF ASSAM, WATER RESOURCES DEPTT.,
DISPUR, GHY-6

2:THE DY. SECRETARY
WATER RESOURCES DEPTT.
GOVT. OF ASSAM
DISPUR
GHY-6

3:THE BODOLAND TERRITORIAL COUNCIL
REP. BY ITS PRINCIPAL SECRETARY
KOKRAJHAR
PIN- 783337

4:THE DY. SECRETARY
BODOLAND TERRITORIAL COUNCIL
KOKRAJHAR

5:THE CHIEF ENGINEER
WATER RESOURCES DEPTT.
CHANDMARI
GHY-3

6:THE ADDL. CHIEF ENGINEER
WATER RESOURCES DEPTT.

KOKRAJHAR ZONE
B.T.C.
KOKRAJHAR

7:THE EXECUTIVE ENGINEER
BAKSA WATER RESOURCES DIVISION
GOVT. OF ASSAM
MUSHALPUR
BAKSA

8:THE ACCOUNTANT GENERAL (A AND E)
ASSAM
MAIDAMGAON
BELTOLA
GHY-29

9:THE DIRECTOR OF ACCOUNTS AND TREASURIES
ASSAM
DISPUR
GHY-

For the Petitioner : Mr. H.K. Das, Adv.

For the Respondents: Mr. P. Nayak, AAG (Fin) Assam & SC, BTC.
Mr. R.K. Talukdar, SC, O/o. AG(A&E), Assam.

BEFORE

THE HON'BLE MR. JUSTICE SUMAN SHYAM

Date of hearing : 21/05/2025 & 26/05/2025.
Date of Judgement : 10/06/2025

JUDGEMENT AND ORDER (CAV)

1. Heard Mr. H.K. Das, learned counsel for the writ petitioner. I have also heard Mr. P. Nayak, learned Additional Advocate General (Finance), Assam as well as Standing Counsel, BTC, appearing for the respondent nos. 1 to 7 & 9 and Mr. R.K. Talukdar, learned Standing Counsel, Office of the AG (A&E), Assam, appearing for the respondent no. 8.

2. The writ petitioner herein is the widow of late Manik Chandra Ray, who died in harness on 07/12/2018 by leaving behind the writ petitioner and 2 (two) minor daughters,

viz. Niharika Ray and Monalisa Ray as his dependents. According to the writ petitioner, after the premature death of her husband, she was entitled to the benefit of compassionate family pension under the special scheme notified by the Government of Assam vide notification dated 14/09/2017. As such, she had submitted as many as 3 (three) representations before the competent authority on 21/02/2019, 08/08/2019 and 17/12/2019 seeking the benefit of Compassionate Family Pension. However, by the impugned communication dated 04/11/2020, the prayer of the petitioner for payment of compassionate family pension had been rejected by the respondent no. 4 on the ground that the husband of the petitioner had not completed the minimum period of 1 (one) year of "complete" service so as to permit sanctioning of compassionate family pension. In the order dated 04/11/2020, it was further mentioned that a person must complete minimum 1(one) year service for CFP scheme.

3. The facts and circumstances of the case, briefly stated, are that on 05/03/2008, the Member Secretary, Central Selection Board, Bodoland Territorial Council (BTC), Kokrajhar, had issued an advertisement notice inviting applications for filling up a few posts lying vacant in the Council Head of the Department, Offices/District and Sub-Divisional Offices of the BTC area. In the said advertisement notice, the post of Junior Assistant/LDA (Grade-III) was mentioned. The advertisement notice dated 05/03/2008 had also mentioned that candidates who are already engaged in the offices of CHD/District/Sub-divisional Offices on fixed pay basis by the BTC, either in Grade-III or Grade-IV post also need to apply. That apart, it was also mentioned in the said advertisement notice that the candidates who are employed on fixed pay basis in Grade-III and Grade-IV posts in the BTC Secretariat to also apply as there is no sanctioned post in the BTC Secretariat at present.

4. In response to the advertisement notice dated 05/03/2008, the deceased husband of the petitioner late Manik Chandra Ray had submitted his application. He had appeared in the Written Test and thereafter, in an Oral Interview conducted by the authorities. After completion of selection process, the Member Secretary, CSB had circulated a list of selected candidates wherein, the name of the petitioner's husband appeared at Sl. No. 106 against Role No. Jr. A-2285, as an OBC category candidate.

5. Pursuant to the above selection process, the Joint Commissioner of Transport Department, BTC, Kokrajhar, had issued order of appointment dated 28/02/2011 in respect of 30 (thirty) selected candidates engaging them as Junior Assistant/LDA on fixed pay basis @

Rs. 5200/- per month with effect from their date of joining duty. The name of Manik Chandra Ray featured at Sl. No. 28 of the aforesaid list. Accordingly, late Manik Chandra Ray had joined in the Transport Department of the BTC as Junior Assistant on fixed pay. After rendering services for nearly 7 (seven) years in the Transport Department, the Additional Principal Secretary of the BTC had issued a notification dated 17/07/2018, granting approval for appointment in Grade-III post in respect of 7 (seven) fixed pay employees against vacant sanctioned posts, under the Water Resources Department in Kokrajhar and Baksa District of BTC. The name of the petitioner's deceased husband, who was till then serving as Junior Assistant under the establishment of the Joint Commissioner, Transport Department, BTC, Kokrajhar, was also included in the said list. Accordingly, he was appointed as Section Assistant in the establishment of Executive Engineer, Water Resources Division, Mushalpur in the pay scale of Rs. 14000/- - 49,000/- + Grade Pay of Rs. 5600/- plus other allowances, as admissible under the Government Rules.

6. While Manik Chandra Ray was working as Section Assistant under the establishment of Executive Engineer, Water Resources Department, Mushalpur, he died on 07/12/2018. The core question arising for adjudication by this Court in the present writ petition is as to whether, under the scheme of Compassionate Family Pension (CFP) notified by the Government of Assam on 14/09/2017, the writ petitioner would be entitled to receive CFP.

7. In the above context, it would be pertinent to mention herein that on 14/09/2017, the Government of Assam had notified the scheme for CFP *in lieu of* the scheme of Compassionate Appointment by laying down the terms and conditions for extending the benefit of Compassionate Family Pension. There is no controversy about the fact that the CFP would be applicable in case of all Government servants including those who are in employment under the BTC authorities. Apparently, by relying upon clause 5.3 of the CFP scheme, the respondent no. 4 has rejected the prayer of the petitioner for payment of CFP by issuing the impugned order dated 04/11/2020, allegedly on the ground that the petitioner's deceased husband had not completed the minimum period of 1(one) year of "complete" (continuous) service.

8. By referring to the documents available on record, Mr. Das, learned counsel for the writ petitioner has argued that proviso to Clause 5.3 does not require the deceased Government servant to have completed 1(one) year of continuous service as a regular

employee. All that the scheme requires is that he must be in employment under the Government continuously for a period more than 1 (one) year without any break so as to come within the purview of the CFP scheme. Considering the fact that the deceased husband of the petitioner was in continuous Government service under the BTC authorities since the year 2011 till the time of his death, hence, submits Mr. Das, he had evidently fulfilled the criteria laid down by proviso to Clause 5.3 so as to enable the writ petitioner to get the benefit of the CFP.

9. By referring to the advertisement notice dated 05/03/2008 as well as the order of appointment dated 28/02/2011, Mr. Das has further argued that the advertisement was issued for filling up a number of vacant posts on regular basis and Manik Chandra Ray got selected in the said process. Therefore, the respondents ought to have granted a regular pay scale to the deceased husband of the petitioner pursuant to his appointment made on 28/02/2011 itself. However, instead of doing so, he had been put on a fixed pay until 17/07/2018, i.e. till the time the petitioner's husband was appointed as a Section Assistant in the establishment of Executive Engineer, Baksa Water Resources Division. Therefore, submits Mr. Das, the initial appointment of the petitioner's husband, for all practical purposes was a regular appointment. In that view of the matter, submits Mr. Das, the husband of the petitioner, having served under the respondents continuously for more than 1 (one) year, the writ petitioner is squarely covered under the scheme of compassionate family pension. In support of his above arguments, Mr. Das has relied upon the definition of Government Servant as provided in Rule 2(e) of the Assam Services (Discipline and Appeal) Rules, 1964 as well as the decision of the Hon'ble Supreme Court rendered in the case of ***S.D. Jayaprakash and others Vs. Union of India and others*** reported in ***2025 SCC OnLine SC 973***.

10. By relying upon and referring to clause (1)(iii)(a) of the Office Memorandum dated 31/10/2017, issued by the Secretary to the Government of Assam, Pension and Public Grievance Department, Mr. P. Nayak, learned Additional Advocate General, Assam and SC, BTC, on the other hand, has argued that the benefits under the CFP scheme can be extended only to the family members of those Government servants who are eligible to receive family pension under the Assam Services (Pension) Rules, 1969. According to Mr. Nayak, regardless of whether the deceased Government employee was covered under the Assam Services

(Pension) Rules, 1969 or under the NPS, the guidelines in para 5.9 of the notification dated 14/09/2017 would be applicable in both the cases. Such being the position, submits Mr. Nayak, 1(one) year continuous service within the meaning of the scheme notified on 14/09/2017, would mean and include continuous service as regular and/or permanent employee and not the services rendered as a fixed pay or casual employee.

11. By placing reliance on clause 3 of the notification dated 25/05/2018 issued by the Commissioner and Secretary to the Government of Assam, Finance Department, Mr. Nayak has further argued that in view of the conditions laid down in the notifications dated 31/10/2017 & 25/05/2018, the petitioner would not be entitled to any benefit under the CFP scheme. In support of his above arguments, Mr. Nayak has also referred to the provisions of Assam Services (Pension) Rules, 1969, more particularly, Rule 140, to submit that CFP being a benefit in the nature of family pension, the provision of Rule 142 of the Rules of 1969 would have a relevant bearing in determination of the claim of pension. Since the claim of the writ petitioner does not come within the ambit of Rule 142 of the Rules of 1969, hence, she would not be entitled to the benefit of CFP scheme. On such ground, Mr. Nayak has submitted that the writ petition be held to be devoid of any merit and accordingly, dismissed.

12. I have considered the arguments advanced at the Bar and have also carefully gone through the materials available on record.

13. At the very outset, it deserves to be mentioned herein that the right of Government servant employed under the State Government of Assam to receive pension and/ or family pension is ordinarily governed by the provisions of the Rules of 1969. Section-IV of the Rules of 1969 containing Rules 140 and 141 lay down the provisions so as to deal with the claim for family pension. As per Rule 142, save and except what is provided by Rule 140, family pension not exceeding the rate mentioned in Rule 141 will be admissible in case of death of an Officer while in service or after retirement on or after 01/01/1964. In case of death while in service, the Government servant should have completed a minimum period of 1 (one) year of service. Rule 141 lays down the rate of family pension applicable under Rule 140.

14. As per Rule 142, the criteria for granting family pension has been laid down. Rule 142 is extracted herein below for ready reference :-

“142. Notwithstanding the provisions in rules 140 and 141 above, if a Government servant after rendering minimum of 7(seven) years continuous

service dies while in service, the family of such Government servant may be granted a pension at the rates and conditions mentioned below-

- (i) For a period of 7(seven) years from the date following the date of death or till the date on which the officer would have reached the normal age of superannuation had he remained alive, whichever period is shorter, the pension payable under this Section will be at 50(fifty) percent of the basic pay last drawn, subject to a maximum of twice the pension admissible under rule 141 above.*
- (ii) The pension payable thereafter will be at the rate laid down in rule 141 above.*
- (iii) The provisions of this rule will not be applicable if the Government servant had put in less than 7 (seven) year's continuous service prior to his death.*
- (iv) The other provisions in this Section will continue to operate.*
- (v) This rule will have effect from 1st January 1967."*

15. From a plain reading of the various provisions of Section-IV of the Rules of 1969, it is apparent that the claim for payment of family pension in case of death of a Government servant covered under the Rules of 1969 will have to be determined as per the above mentioned provisions of the Rules of 1964. However, does it mean that even a claim for CFP under the notification dated 14/09/2017 would also be subject to fulfillment of the criteria laid down in the Pension Rules of 1969?

16. A bare reading of the notification dated 14/09/2017 goes to show that the CFP scheme was introduced by the Government of Assam in the Finance Department, so as to replace the existing scheme of "compassionate appointment" for the family members of the deceased Government employee who had lost the sole bread earner. The objective of the said scheme was to provide immediate succor to the family members of the deceased Government servant which had lost the sole bread earner. It was felt that due to several operational reasons, the scheme for "compassionate appointment" had failed to serve its purpose, which was to provide immediate relief to the family members of the deceased employee. Taking

note of such ground realities, the CFP scheme was introduced in the year 2017 with a view to give immediate relief to the family members of the deceased Government employee(s). The operative part of the scheme, as contained in para 5, which has 12 sub-paragraphs, are reproduced herein below for ready reference:-

“5. The detailed guidelines as provided below shall be followed by all the departments in the State Government.

5.1 The applicable definition of family of the employee dies-in-harness will be the definition of family that is given in the Assam Services (Pension) Rules, 1969 (as amended from time to time).

5.2 CFP scheme is not applicable for Voluntary retirement/resignation or any other cases and "an employee dies-in-harness" is the sole criteria. The cause for the death of the employee-in-harness can be anything, either natural or unnatural.

5.3 Where the employee dies before superannuation, the family pension equal to 100% of the last pay drawn by the deceased employee be paid for a period upto the date of 'deemed superannuation' of the deceased employee i.e. the date on which the employee would have superannuated had he been alive. This would compensate the loss of family income to a large extent and fulfill the requirement of compassionate conditions arising out of the death of the serving employee.

However, the Govt. servant must complete minimum 1 (one) year of continuous service without break before death while in service.

5.4 The last pay drawn for this purpose is the last basic pay (pay in the pay band plus grade pay). Over and above, the Compassionate.

Family Pensioner will get the applicable Dearness Relief and other Relief amounts as admissible in the normal family pension.

5.5 The CFP fixed at 100% of the last pay drawn will be revised periodically as and when normal pension/family pension are revised.

5.6 On attaining the date of deemed Superannuation, the CFP will be converted into normal Family Pension. This normal family pension shall be fixed at 50% of CFP from the date of deemed superannuation till 67 years of age of

the deceased employee. During this period of 7 years, the normal family pension will be revised periodically as and when normal pension is revised.

5.7 Further, on completion of above period of 7 years, the normal family pension will be reduced from 50% to 30% till the applicable eligibility as per the Assam Services (Pension) Rules, 1969 (as amended from time to time).

5.8 But, in case of CFP, the Compassionate Family Pensioner ceases to get the CFP at 100% of the last pay drawn if the Compassionate Family Pensioner happens to be ineligible for normal family pension as per Assam Services (Pension) Rules, 1969 (as amended from time to time).

5.9 This will be applicable to all employees of State Government, provincialised employees and all others as eligible under Assam Services (Pension) Rules, 1969 (as amended from time to time), all State Government employees under NPS category and All India Services officers borne on Assam cadre.

5.10 It is also provided that if the parents or other eligible family members are not looked after by the Compassionate Family Pensioner, on receipt of such complaint from them, the competent authority will issue orders apportioning the Compassionate Family Pension appropriately among the other eligible family members.

5.11 The scheme is applicable to those employees who died/die in harness on or after 01/04/2017. However, the relevant OMs related to the Compassionate appointments will be applicable to those who died on or before 31/03/2017.

5.12 The Pension and Public Grievances Department and Personnel (B) Department will take further necessary action accordingly by amending/issuing necessary rules/guidelines."

17. From a careful examination of the various clauses of the CFP scheme, it is thus apparent that the scheme has a benevolent object of providing immediate relief to the family members of the deceased employee which had lost the sole bread earner. Therefore, the question of eligibility to receive the benefit under the CFP scheme will have to be adjudicated strictly with reference to the criterias laid down in the scheme itself and not by relying upon

any other Rules including the Pension Rules of 1969. If the intention of the Government was to subjugate the claim of CFP scheme under the Rules of 1969, then in that event, there was nothing preventing the State to amend the said Rules or to make an express provision to such effect in the scheme itself, which has evidently not been done in this case. Therefore, this Court is unable to countenance the submission of the learned State Counsel to the effect that any claim for payment of CFP will be governed by the provisions of the Pension Rules of 1969.

18. Having observed as above, this Court would now examine as to whether, a restrictive interpretation of the proviso to Clause 5.3, as suggested by the learned AAG for the State of Assam, would be justified in the facts of the case.

19. In the above context, it would be pertinent to note herein that the expression "Government Servant" is not defined either in the CFP scheme or in the Rules of 1969. However, "Government Servant" has been defined in Rule 2(e) of the Assam Services (Discipline and Appeal) Rules, 1964, which reads as follows :-

"2(e) "Government Servant" means a person who is a member of a service or who holds a civil post in connection with the affairs of the State of Assam and includes any person whose services are temporarily placed at the disposal of the Central Government or any State Government or a local or other authority and also any person in the service of a State Government or the Central Government or a local or other authority whose services are temporarily placed at the disposal of the Government of Assam."

20. From the above definition of "Government Servant", it is apparent that the expression Government Servant would mean and include any member of service who holds a civil post in connection with the affairs of the State of Assam including those, whose services are temporarily placed at the disposal of the Government. In other words, in order to come within the definition of "Government Servant" it would not be necessary for the employee to be in permanent service under the Government. Even a temporary employee in employment under the Government of Assam, would come within the definition of "Government Servant".

21. In the present case, there is no doubt or dispute about the fact that the deceased husband of the petitioner, viz. Manik Chandra Ray was appointed in a civil post under the

Government of Assam (BTC authority) on 28/02/2011. Since then, he has been in continuous service under the Government (BTC) without any break until the date of his unfortunate demise on 07/12/2018. In other words, there is no dispute about the fact that the deceased husband of the petitioner has been in continuous service since 28/02/2011 till 07/12/2018 and to that extent, he had completed more than 1 (one) year of continuous service without any break.

22. It appears that since the selection process conducted in terms of the advertisement notice dated 05/03/2008, the petitioner's husband was not subjected to any further selection prior to his appointment as Section Assistant. Therefore, it is evident that the appointment of late Manik Chandra Ray as Section Assistant was not only pursuant to the same selection process but it was also in continuation of his initial appointment as Junior Assistant vide appointment order dated 28/02/2011. Moreover, the advertisement notice dated 05/03/2008 was evidently issued by the Central Selection Board (BTC) for filling up vacant posts on regular basis. The selection process so conducted by the Board was also meant for filling up vacant posts on regular basis. Therefore, although late Manik Chandra Ray was on fixed pay till issuance of the notification dated 17/07/2018, yet, for all practical purposes, his appointment vide order dated 28/02/2011 was a regular appointment. Having regard to the peculiar facts and circumstances of the case, save and except recognizing his entry into service vide order 28/02/2011 as regular appointment, according to this Court, no other principle of service jurisprudence can explain the subsequent appointment of Manik Chandra Ray in the post of Section Assistant.

23. The OM dated 31/10/2017 issued under Memo No. PPG(P) 292/2017/1 was issued by the Department of Pension and Public Grievances Department, Government of Assam, laying down a comprehensive guideline for payment of family pension in respect of Government servants who die in harness. A bare reading of the various clauses contained in the said notification leaves no room for doubt that the criteria laid down therein pertain to payment of Compassionate Family Pension and/or Family Pension to the family members of Government servants, who die in harness on or after 01/04/2017. In other words, it appears that the said notification seeks to lay down certain guidelines for payment of Compassionate Family Pension/Family Pension with regard to deceased Government servant, who died on or after 01/04/2017 but are covered under the provisions of the Assam Services (Pension) Rules,

1969. This is primarily because on 01/04/2017 the CFP scheme was not even in existence. Moreover, the aforesaid notification dated 31/10/2017 also does not in any manner alter or modify the Compassionate Family Pension scheme notified by the Finance Department of the Government of Assam on 14/09/2017. The CFP scheme notified on 14/09/2017 being a special scheme introduced by the Government through the Finance Department so as to replace the compassionate appointment scheme, it is not understood as to how the Department of Pension and Public Grievances can tinker with the said notification. Situated thus, I am of the unhesitant opinion that the notification dated 31/10/2017 would relate to compassionate family pension/family pension payable under the provisions of the Assam Services (Pension) Rules, 1969, but not the CFP payable under the notification dated 14/09/2017.

24. In the above context, it will be pertinent to note herein that in paragraph 5.1 of the scheme, it has been mentioned that the definition of family of the employee who dies in harness will be the same as that given in the Assam Services (Pension) Rules, 1969. In para 5.2, it has been categorically laid down that the CFP scheme would not be applicable for voluntary retirement/resignation but in all other cases, the sole criteria would be that "an employee dies in harness". Even the cause of death of the employee would not be of any relevance. Paragraph 5.3 lays down the rate at which family pension would be payable to the family of the deceased employee. From paragraph 5.9, it is further clear that a Government employee coming under NPS category would also be covered under the scheme, meaning thereby that those employees who do not come within the purview of Assam Services (Pension) Rules, 1969, would also come within the ambit of the CFP scheme.

25. It may be correct to say that even under the Assam Services (Pension) Rules, 1969, there is provision for payment of family pension/compassionate family pension to the family members of the deceased employees who die in harness, upon fulfillment of the terms and conditions laid down in the Rules. However, as noted above, this Court is also of the opinion that the CFP scheme introduced by the notification dated 14/09/2017 is independent of the Assam Services (Pension) Rules, 1969. Therefore, provisions of the Rules of 1969 would not have any bearing in the matter of payment of CFP under the notification dated 14/09/2017. If the idea behind introducing the CFP scheme by notification dated 14/09/2017 was to make the scheme a subject matter of the Rules of 1969, then in that event, the said objective could

very well have been achieved by amending the Rules of 1969 itself in which event, there would have been no necessity for issuing the notification dated 14/09/2017 by the Finance Department, Government of Assam.

26. From a careful reading of various clauses contained in the notification dated 14/09/2017 this Court is inclined to accept the contention of the learned counsel for the writ petitioner to the effect that her claim for CFP is covered by the CFP scheme for the following reasons :-

(a) Firstly, there is nothing in the scheme which excludes a temporary/fixed pay Government servant from the ambit of the scheme provided his service is subsequently confirmed. Therefore, in view of the definition of "Government Servant" provided under the Rules of 1964, this Court is of the opinion that a restrictive construction of the proviso to Rule 5.3 would defeat the very object of the scheme and, therefore, ought to be avoided.

(b) Secondly, Late Manik Chandra Ray has served under the Government (BTC) continuously since 28/02/2011 till his demise on 07/12/2018, without any break and, therefore, he had evidently completed more than 1(one) year of continuous service.

(c) Thirdly, the petitioner's husband late Manik Chandra Ray was a confirmed employee drawing a regular pay scale at the time of his demise. Therefore, the requisite basis for implementation of clause 5.4 and 5.5 of the scheme is available, thus, paving the way for implementation of the CFP scheme in case of the writ petitioner.

(d) Fourthly, the CFP scheme is not intended to complement the Rules of 1969 but the same, in the opinion of this Court, seeks to carve out an exception to the Rules of 1969, inasmuch as, the CFP scheme is aimed at extending benefit to the family members of those deceased Government servants dying in harness, who are not covered under the Rules of 1969. Therefore, it would not be permissible for this Court to rely upon the provisions of the Rules of 1969 so as to adopt a restrictive interpretation of clause 5.3 of the CFP.

(e) Fifthly, Clause 5.8 of the scheme clearly lays down that even those employees who are ineligible to receive pension under the Rules of 1969 will come under the

provisions of the scheme, *albeit* with some modification in the rate of CFP payable with reference to the last pay drawn by the deceased employee.

27. For the reasons stated herein above, viewed from any angle, this Court is of the unhesitant opinion that writ petitioner is eligible for the benefit under the CFP scheme. Such being the case, the impugned order dated 04/11/2020 (Annexure P/21) issued by the Deputy Secretary, BTC, Kokrajhar, rejecting the claim of the petitioner for grant of CFP on the ground mentioned therein, is held to be bad in law. The same is accordingly set aside.

28. The respondents are directed to forthwith process the claim of the petitioner for grant of CFP and release the amount within a period of 45 (forty five) days from the date of receipt of a certified copy of this order.

29. It is made clear that if the amount, as directed by this court, along with arrear dues, if any, are not released to the writ petitioner within 45 days from the date of receipt of a certified copy of this order, the amount due and payable would carry interest @ 12% per annum from the date on which it had become due, till realization.

Writ petition stands allowed.

There shall be no order as to costs.

JUDGE

Comparing Assistant