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

Case No. : WP(C)/4748/2026

ABDUL BAKI SHEIKH
S/O LATE ABUL KASHEM SK., R/O- VILL. ASHARIKANDI, P.S. GAURIPUR, DIST. DHUBRI, ASSAM.

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF ASSAM, LAND REVENUE AND DISASTER MANAGEMENT DEPARTMENT, DISPUR, GUWAHATI-06.

2:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF ASSAM
FINANCE DEPARTMENT
DISPUR
GUWAHATI-06.

3:THE DIRECTOR OF LAND RECORDS AND SURVEYS ETC.
ASSAM
RUPNAGAR
GUWAHATI-32.

4:THE DISTRICT COMMISSIONER
JORHAT
P.O. AND DIST. JORHAT
ASSAM
PIN-78500

Advocate for the Petitioner : MR. M KHAN, MR. R. AHMED,MS J AKTAR,MR A K DAS

Advocate for the Respondent : SC, REVENUE, SC, FINANCE,GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

09.10.2026

Heard Shri M. Khan, learned counsel for the petitioner. Also heard Shri J. K. Goswami, learned Addl. Senior Govt. Advocate, Assam.

Considering the subject matter involved and also taking note of the fact that the matter was considered on 3 previous occasions and time was granted to the learned State Counsel to obtain instructions, the writ petition is taken up for disposal at the motion stage.

The facts projected, in brief, are that the petitioner was serving as a Lot Mondal in the Office of the Jorhat West Revenue Circle and was arrested on 15.10.2022 in connection with ACB PS Case No. 49/2022 under Section 7 (a) of the Prevention of Corruption Act. The same was followed by the departmental proceeding which had culminated in an order of removal from service dated 11.11.2024. Since the departmental appeal was not considered and disposed of, the petitioner had earlier approached this Court by means of WP(C)/3884/2025 and during the pendency of the same, the departmental appeal was decided vide an order dated 24.03.2026 and the order of removal was interfered with and a direction was issued to initiate fresh departmental proceeding to be completed within a period of 90 days. It is the case of the petitioner that though he was reinstated in service, his salaries have not been paid since the date of his joining i.e. 02.06.2026.

Shri Khan, the learned counsel for the petitioner has submitted that salaries cannot be withheld under any condition and the authorities have neglected to

pay the same and therefore an appropriate direction be issued in that line.

Shri Goswami, the learned State Counsel has submitted that instructions have been received that process is on for payment of the same.

Without making any comment on the allegations against the petitioner and the aspect of the fresh departmental proceeding, since it is not in dispute that the petitioner was reinstated in service and joined on 02.06.2026 and discharging his duties, there cannot be any reason for withholding the salaries.

In view of the above, the process, stated to have been initiated for release of salaries shall be completed expeditiously and in any event within a period of 30 (thirty) days from the date of receipt of the certified copy of this order and the salaries including the arrear salaries of the petitioner be released. The present order shall not come in the way of the Department to initiate fresh departmental proceeding in terms of the order of the appellate authority.

Writ petition stands disposed of.

JUDGE

Comparing Assistant