

GAHC010018082022



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

Case No. : WP(C)/837/2022

BIJOYA DAULAGAPU
W/O- LATE BABULAL BARMAN, R/O- DONGJEN RAZI VILLAGE,
P.S- UMRANGSO, DIST- DIMA HASAO, ASSAM, PI-788931

VERSUS

1: THE STATE OF ASSAM AND 5 ORS
THROUGH THE SECRETARY TO THE GOVERNMENT OF ASSAM, PUBLIC
HEALTH ENGINEERING DEPARTMENT, DISPUR, GUWAHATI-781006

2: SECRETARY TO THE GOVERNMENT OF ASSAM PUBLIC HEALTH
ENGINEERING DEPARTMENT HENGRABARI GUWAHATI-781036

3: THE CHIEF ENGINEER PUBLIC HEALTH ENGINEERING DEPARTMENT
ASSAM HENGRABARI GUWAHATI-781036

4: THE EXECUTIVE ENGINEER PUBLIC HEALTH ENGINEERING
UMRANGSO DIVISION UMRANGSO ASSAM

5: THE ACCOUNTANT GENERAL
(A AND E) ASSAM MAIDAMGAON BELTOLA GUWAHATI-29

6: THE COMMISSIONER AND SECRETARY
FINANCE DEPARTMENT ASSAM DISPUR GUWAHATI-06

7: THE STATE OF OF ASSAM REPRESENTED BY THE COMMISSIONER AND
SECRETARY TO THE GOVT. OF ASSAM PUBLIC HEALTH ENGINEERING
DEPARTMENT DISPUR ASSAM GUWAHATI-6

8: THE COMMISSIONER AND SECRETARY TO THE GOVT OF ASSAM
PENSION AND PUBLIC GRIEVANCES DEPARTMENT DISPUR GUWAHATI-6

9: THE PRINCIPAL SECRETARY DIMA HASAO AUTONOMOUS COUNCIL
HAFLONG DIST. DIMA HASAO ASSAM

Advocate for the Petitioner : MR. N SARKAR

Advocate for the Respondent : SC, P H E

- B E F O R E -
HON'BLE MR. JUSTICE MICHAEL ZOTHANKHUMA
ORDER

Date : 06-06-2022

Heard Mr. N. Sarkar, learned counsel for the petitioner, who submits that the petitioner's husband was engaged as a work charge Khalasi with effect from 28.11.1987, in the Office of the Executive Engineer, PHE, Umrangso Division, Dima Hasao, Assam. The service of the petitioner's husband was upgraded from work charge Khalasi to work charge Section Assistant vide order dated 06.05.1999. Thereafter, his service was regularized vide order dated 07.10.2005. The petitioner's husband, however, died in harness on 27.05.2019. As the petitioner was not being given family pension, she filed the present writ petition.

Mr. N. Sarkar, learned counsel for the petitioner submits that the petitioner has been given a letter dated 31.05.2022 issued by the Executive Engineer (PHE), Umrangso Division, which is addressed to the Senior Accounts Officer (Pen-3), Office of the Accountant General, A&E, Assam, which is to the effect that the regularization of service of the petitioner's husband was cancelled along with 8(eight) other staff by the Finance Department due to some anomalies. As such, the family pension paper of the petitioner could not be submitted to the Office of the Accountant General, Assam due to non-regularization of his service.

The Under Secretary to the Government of Assam, PHE Department has issued a letter dated 24.02.2021 to the Chief Engineer

(PHE), Water, Assam, which states that the Public Health Engineering Department is informed as per the High Court's direction dated 08.06.2017 passed in Writ Appeal No.45/2014 (State of Assam -Vs- Upen Das & Ors.) that Muster Roll Workers, Work Charged Workers and Casual Workers are not entitled for regularization, pension, etc.

Learned counsel for the petitioner submits that the services of the petitioner's husband having been regularized on 07.10.2005, prior to the order of the Division Bench passed in Writ Appeal No.45/2014, the regularization order could not have been cancelled by the respondents in the manner that they have done.

Ms. J. Gogoi, learned counsel for the respondent No.4 and Mr. P. Nayak, learned standing counsel, Finance Department shall obtain instructions with regard to the above letter dated 31.05.2022 issued by the Executive Engineer (PHE), Umrangso Davison and the letter dated 24.02.2021 issued by the Under Secretary to the Government of Assam, PHE Department.

Mr. S.K. Medhi, learned counsel appears for the respondent No.5, while Mr. R. Bora, learned counsel, appears for the respondent Nos.1 and 3.

List the matter on **28th June, 2022**.

In the meantime, learned counsel for the petitioner shall file an additional affidavit bringing on record the letters mentioned above.

J U D G E

Comparing Assistant