

GAHC010021992017



2026:GAU-AS:3150

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

Case No. : WP(C)/2672/2017

JITENDRA NATH DEKA @ JITENDRA DEKA
S/O- LATE SIDHESWAR DEKA, R/O- MANGALDOI, P.O 7P.S- MANGALDOI,
DIST- DARRANG, ASSAM

VERSUS

THE STATE OF ASSAM and 6 ORS.
REPRESENTED BY THE COMMISSIONER and SECRETARY TO THE
GOVERNMENT OF ASSAM, POLITICAL B DEPARTMENT, DISPUR,
GUWAHATI-6

2:THE SECRETARY TO THE GOVERNMENT OF ASSAM
FINANCE DEPARTMENT
DISPUR
GUWAHATI-6

3:THE SECRETARY
TO THE GOVERNMENT OF ASSAM
JUDICIAL DEPARTMENT
DISPUR
GHY-6

4:THE SECRETARY
TO THE GOVT OF INDIA
MINISTRY OF HOME AFFAIRS
NEW DELHI
PIN- 110006

5:THE DEPUTY SECRETARY
TO THE GOVT OF ASSAM
POLITICAL B DEPARTMENT
DISPUR

GHY-6

6:THE ACCOUNTANT GENERALAandE
ASSAM
MAIDAMGAON
BELTOLA
GUWAHATI- 29

7:THE MEMBER FOREIGNERS' TRIBUNAL
DARRANG
P.O and P.S- MANGALDOI
DIST- DARRANG
ASSAM
PIN- 78412

Advocate for the Petitioner : MR.I H SAIKIA, MS.S KANUNGOE,MR.K KALITA

Advocate for the Respondent : ASSTT.S.G.I., MR. U. K. NAIR(SC, FOREIGNER'S
TRIBUNAL),C.G.C.,GA, ASSAM,MRS.A DASS,SC, AG,SC, FINANCE

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 27.02.2026

Heard Mr. K Kalita, learned counsel for the petitioner. Also heard Mr. J.K Goswami, learned Addl. Senior Government Advocate appearing for the respondents.

2. The petitioner, by way of instituting the present Writ Petition, has prayed for a direction upon the respondent authorities to regularize his services as Copyist in the establishment of Member, Foreigner's Tribunal, Mangaldoi, District-Darrang, and to authorize to him, a regular scale of pay.

The petitioner was initially engaged as a Chowkidar against leave vacancy arising in the establishment of Member, Illegal Migrants Determination Tribunal, (IMDT) Darrang w.e.f 26.02.1998. Thereafter, it is projected that the petitioner was engaged as a Notice Writer in the establishment of the Member, Illegal Migrants Determination Tribunal,

Darrang. The petitioner projects that he continued as a Notice Writer in the establishment of Member, Illegal Migrants Determination Tribunal, (IMDT), Mangaldoi, District-Darrang.

3. The petitioner, while continuing in such engagement, was vide an order dated 01.12.1999, engaged as a Jaruwala on a monthly remuneration of Rs. 300/- (Rupees Three Hundred Only) per month by the Member, Foreigner's Tribunal, Mangaldoi, District-Darrang. The Illegal Migrants Determination Tribunal, (IMDT), Mangaldoi, District-Darrang, was, in the meanwhile, converted as Foreigner's Tribunal, Mangaldoi, District-Darrang.

The petitioner was, thereafter, appointed as a Copyist on a consolidated pay of Rs. 2100/- (Rupees Two Thousand One Hundred Only) per month by the Member, Foreigner's Tribunal, Mangaldoi, District-Darrang, vide an order dated 04.01.2005. The petitioner, accepting the said engagement, joined against the said post and is presently continuing in that capacity. While continuing in such capacity, the petitioner's remuneration was raised to Rs. 6000/- (Rupees Six Thousand Only) per month w.e.f 01.03.2014. However, his such engagement was shown to be on a contractual basis. In the above background, the petitioner prays that considering the length of service rendered by him, the respondents are required to regularize his services. The petitioner also prays that he be granted the benefit of a regular scale of pay.

4. The learned counsel for the petitioner, reiterating the above facts, has submitted that the petitioner, having been working on temporary basis w.e.f 1998 continuously, without any break, his services are entitled to be regularized along with authorizing to him, a scale of pay with effect from the date he was so initially engaged.

5. *Per contra*, Mr. J.K Goswami, learned Addl. Senior Government Advocate appearing for the respondents submits that the prayer made by the petitioner would not mandate an acceptance from this Court in view of

the decision of the Division Bench of this Court in the case of ***State of Assam Vs. Upen Das*** reported in **(2017) 4 GLR 493**. He submits that the respondent authorities have already decided to extend to the petitioner fixed wages at the rate of Rs. 15,900/- (Rupees Fifteen Thousand Nine Hundred Only) with Dearness Allowance (DA), which is again stipulated to undergo revision whenever an enhancement of DA occasions, along with medical allowance of Rs. 600/- (Rupees Six Hundred) per month in terms of the Finance Department's notification dated 03.10.2019. Mr. J.K Goswami, learned Addl. Senior Government Advocate, further submits that the petitioner was also extended with payment of House Rent Allowance (HRA) at 50% rate of the prescribed House Rent Allowance. In addition to the above, Mr. J.K Goswami, learned Addl. Senior Government Advocate submits that the petitioner would be covered by the benefits extended under the Pradhan Mantri Suraksha Bima Yojana (PMSBY), Pradhan Mantri Jeevan Jyoti Bima Yojana (PMJJBY) and Atal Amrit Abhiyan (AAA) and the premium required to be paid against the said schemes would be made borne by the state government. Accordingly, he submits that no further benefit would be permissible to be extended to the petitioner in the matter.

6. I have heard the learned counsel for the petitioner and perused the materials brought on record.

7. After the passing of the decision of the Division Bench of this Court in the case of ***Upen Das (Supra)***, the Finance Department had issued a notification on 03.10.2019 notifying the benefits receivable by Muster Roll/Work Charge/Casual and other similarly placed employees engaged prior to 01.09.2005. The said notification mandates that such category of workers would be extended with fixed wages/remuneration at the rate of Rs. 15,900/- (Rupees Fifteen Thousand Nine Hundred Only) per month along with Dearness Allowance (DA) which would again be subject to revision as per norms, along with medical allowance of Rs. 600/- (Rupees Six Hundred). Further, such category of workers were also held to be

governed by Pradhan Mantri Suraksha Bima Yojana (PMSBY), Pradhan Mantri Jeevan Jyoti Bima Yojana (PMJJBY) and Atal Amrit Abhiyan (AAA) and the premium for the same would be paid by the Government.

8. This Court finds that the benefits as extended by the Government of Assam vide the communication dated 03.10.2019 was applied, in respect of the petitioner, vide a communication dated 08.10.2021. A perusal of the said communication reveals that the petitioner was extended all the benefits flowing from the said notification dated 03.10.2019. Further, this Court finds that vide an order dated 14.11.2025, the Government in the Political (B) Department, had extended the benefit of drawal of 50% of the admissible House Rent Allowance (HRA) to the petitioner.

9. The said benefits, being so extended to the petitioner in pursuance to the decision of this Court in the case of ***Upen Das (Supra)***, this Court is of the considered view that no further benefit would be permissible to be so extended to the petitioner. Further, the prayer of the petitioner for regularization of his services, would not be permissible to be so extended in view of the decision of this Court in the case of ***Upen Das (Supra)*** restraining the authorities from regularization of services of Muster Roll/Work Charge/Casual or other similarly situated workers.

10. In view of the above conclusions drawn by this Court and the petitioner being found to have extended with the benefits flowing to him from the decision of the Division Bench of this Court in the case of ***Upen Das (Supra)***, this Court is of the considered view that no further live issues arises for consideration in the present Writ Petition and accordingly, the same stands closed.

JUDGE

Comparing Assistant