

GAHC010025822026



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

Case No. : WP(C)/931/2026

ALAKA RANI PAUL
W/O- MANINDRA PAUL ,
R/O- LAKHISAHAR, WARD NO-8, P.O- LAKHISAHAR, P.S- HAILAKANDI,
DIST- HAILAKANDI, ASSAM

VERSUS

THE STATE OF ASSAM AND ORS
REP. BY THE COMMISSIONER AND SECRETARY , GOVT. OF ASSAM,
HEALTH AND FAMILY WELFARE DEPARTMENT, GUWAHATI-06, ASSAM

2:THE JOINT SECRETARY
TO THE GOVT. OF ASSAM
HEALTH AND FAMILY WELFARE DEPARTMENT
GUWAHATI-06
ASSAM

3:THE DIRECTOR OF HEALTH SERVICES
ASSAM (FAMILY WELFARE)
HENGRABARI
GUWAHATI-36

4:THE SUPERINTENDENT
S.K ROY CIVIL HOSPITAL
P.O AND P.S- HAILAKANDI
DIST- HAILAKANDI
PIN-78815

Advocate for the Petitioner : MS. S KANUNGOE, MS. J CHETTRY,MS. S SEAL

Advocate for the Respondent : SC, HEALTH AND F W,

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

23.02.2026

Heard Ms. S. Kanungoe, learned counsel for petitioner, and also heard Mr. D. P. Bora, learned Standing Counsel, Health and Family Welfare Department.

2. This petition is filed by the petitioner praying for grant of minimum of pay scale as was directed by Division Bench of this Court in Upen Das v/s State of Assam Reported in (2017) 4 GLR 493.

3. Subsequently, another judgment has been passed by another coordinate bench of this Court, in *Jadumoni Nath & Ors. Vs. The State of Assam & Ors.*, rendered in WP(C) No. 7711/2016 vide judgment and order dated 10.11.2022, whereby the subsequent coordinate bench have passed following orders:-

“22. Be that as it may, paragraph No. 22 of the Division Bench Judgment & Order dated 08.06.2017 passed in W.A. No. 45/2014 gives a direction to the State Government to pay minimum of the pay scale to Muster Roll Workers, Work-Charged Workers and similarly placed employees working since the last more than 10 years (not in sanctioned post) in light of the decision of the Apex Court in State of Punjab Vs. Jagjit Singh, reported in (2017) 1 SCC 148.

23. As it appears, most of the petitioners have been engaged by the Hospital Management Society and not by the State Government, and only 5 out of the 29 writ petitioners are being given fixed wages. Accordingly, this Court is of the view that the concerned Hospital Management Committee/State respondents will have to consider the giving of minimum scale of pay to the petitioners, provided they are still working in the two Hospitals and are entitled to the same. Consequently, the petitioners are given the liberty to submit individual representations to the Superintendent of the two Hospitals,

with regard to their claim for payment of the minimum scale of pay. The concerned Superintendent, being the Member Secretary of the concerned Hospital Management Committee, shall thereafter place the same before the appointing authority, who shall thereafter consider the case of the petitioners, with regard to payment of the minimum scale of pay and make due payment, if they are entitled to the same. The petitioners should submit their individual representations within three weeks from today. Thereafter, the decision/s on the petitioners' representations should be made within a further period of 3 (three) months from the date of receipt of a certified copy of this order and the petitioners' representations."

- 4.** The petitioner had earlier approached this Court by filing WP(C) 3330/2018, whereby this Court had initially protected service of the petitioner by order dated 25.05.2018. This writ petition came to be disposed of by an order dated 01.02.2023.
- 5.** The coordinate bench held that although the petitioner may not be entitled for minimum scale of pay as per the direction of Upen Das (Supra). However, the petitioner's case ought to be considered in terms of the direction of *Jadumoni Nath & Ors. V/s State of Assam & Ors.* in WP(C) No. 7711/2016. The Court also while disposing of the writ petition held that since the petitioner was rendering services as a Health Worker in S.K. Roy Civil Hospital, Hailakandi since April 2002 till date, neither the question of dispensation of her services nor denial of the benefit of minimum scale of pay would arise in this case.
- 6.** It is submitted that no further appeal or relief has been preferred by the State in respect of the order dated 01.02.2023, passed in WP(C) 3330/2018.
- 7.** In deference to the direction passed by the Court vide order dated 01.02.2023 passed in WP(C) 3330/2018, the department by a speaking order dated 25.07.2025 consider the case of the petitioner and held that since the petitioner was not engaged through any government-sanctioned process, nor

does her post fall under any approved cadre structure of the Government of Assam, and her engagement was purely made by the Hospital Management Society in S.K. Roy Civil Hospital, Hailakandi. The following conclusions were arrived:-

“1. The claim for minimum scale of pay cannot be granted by the department, as there exists no government policy or legal provision to extend such pay structures to individuals engaged by the Hospital Management Society of the concerned Health Institution, whose wages are disbursed by the respective Hospital Management Societies, and not from Government's fund.

2. The Superintendent of the concerned Health Institutions shall place matters with regard to claim for payment of minimum scale of pay of workers engaged by Hospital Management Societies before the respective Hospital Management Society for consideration and dispose off such matters accordingly. In this instant case Superintendent S.K. Roy Civil Hospital, Hailakandi shall place the matter pertaining to Smt Alaka Rani Paul before the Hospital Management Society for consideration.

3. Individuals engaged under the Hospital Management Societies, including Smt. Alaka Rani Paul, are encouraged to apply for any suitable posts advertised by the Health & Family Welfare Department from time to time, provided they meet the required eligibility criteria and qualifications.”

8. It is the apprehension of the petitioner that in view of the order dated 25.07.2025, the petitioner is likely to be released from her service.

9. The basis of such an apprehension has not been depicted clearly by the learned counsel for the petitioner. Nevertheless, from the decision of the Commissioner and Secretary Department of Health and Family Welfare vide impugned order dated 25.07.2025, it is seen that there is already a direction to the Superintendent of the concerned Health Institution to place this matters with regard to claim for payment of minimum scale of pay of workers engaged

by Hospital Management Societies before respective Hospital Management Society for consideration and dispose of such matters accordingly.

10. An on date, the learned counsel for the petitioner is not posted that their instructions as to whether the papers have been placed before the concerned Authority in terms of Conclusion No. 2 arrived at by the Respondents. Further, while disposing of the writ petition being WP(C) 3330/2018 by order dated 01.02.2023, coordinate bench had already concluded that the case of the petitioner ought to be considered for grant of payment of minimum scale of pay. While doing so the question of dispensation of her services or denial of benefit of minimum scale of pay considering her service is rendered since April 2002 in S.K. Roy Civil Hospital would not arise.

11. This order is still subsisting in view of the fact that at this stage the petitioner's claim for grant of minimum scale of pay has not been finally concluded inasmuch as vide impugned order dated 25.07.2025 passed by the Respondent Authority, the matter be directed to be placed before the concerned Hospital Management of Societies. Under such circumstances, this writ petition stands close, directing the Respondent No. 4 to place the matters of claim of grant of minimum scale of pay before the Hospital Management Society of S.K. Roy Civil Hospital, Hailakandi to determine the claim of minimum scale of pay by the petitioner.

12. In any view of the matter, considering the service rendered by the writ petitioner, the services of the petitioner shall not be altered without following the process prescribes the law and by issuance of adequate notice.

13. Accordingly, the writ petition stands disposed of.

JUDGE

Comparing Assistant