

GAHC010027172026



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

**Case No. : WA/171/2026**

1: ABUL KALAM BARBHUIYA AND 4 ORS.

S/O-MOYUB ALI BARBHUIYA, R/O-ALGAPUR PART-II,  
P.O. P.S.-ALGAPUR, DISTRICT-HAILAKANDI, ASSAM, PIN-788150

2: ARIF MOHAMMAD

S/O-SIRAJUDDIN AHMED R/O-MISSION ROAD / ROSHAN COTTAGE  
P.O. BADARPUR DISTRICT-KARIMGANJ ASSAM PIN-788806

3: HIROK DAS

S/O-RATNAMOIY DAS R/O-NEAR SADARSHI GP OFFICE SADARSHI PART-II  
P.O. P.S.-SADARSHI DISTRICT-KARIMGANJ ASSAM PIN-788709

4: JANMEJOY CHAKRABORTY

S/O-JYOTIRMOY CHAKRABORTY VILLAGE-LATU NEAR LATU HIGH  
SCHOOL P.O. P.S.-LATU DISTRICT-KARIMGANJ ASSAM PIN-788781.

5: SUJOY DAS

S/O-SUNIL KUMAR DAS VILLAGE-SADARSHI PART-I  
P.O. P.S.-SADARSHI DISTRICT-KARIMGANJ ASSAM PIN-788709

VERSUS

1: THE STATE OF ASSAM AND 2 ORS. REPRESENTED BY THE  
COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF ASSAM,  
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT, DISPUR,  
GUWAHATI-781006.

2:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF  
ASSAM FINANCE DEPARTMENT DISPUR GUWAHATI-781006.

3:THE PROJECT DIRECTOR DISTRICT RURAL DEVELOPMENT AGENCY  
DRDA CUM MEMBER SECRETARY OF THE SELECTION BOARD  
SETTLEMENT ROAD KARIMGANJ DISTRICT-KARIMGANJ ASSAM PIN-  
788710

**Linked Case : WA/253/2025**

- 1: JANMAJIT DAS AND 23 ORS  
S/O JAGADISH RANJAN DAS R/O HOUSE NO. 666  
LAXMI BAZAR HA PWD QUARTER WARD NO. 8 TOWN KARIMGANJ.
- 2: SUJAN CHAKRABORTY  
S/O PARIKHIT CHAKRABORTY VILL. BRAHMANSHASAN  
P.O. BRAHMANSHASAN DIST. KARIMGANJ ASSAM PIN 788722
- 3: SAMIK DEB ROY  
S/O SUDHIR DEB ROY R/O SUDHIR COMPLEX LONGAI ROAD P.O.  
SETTLEMENT ROAD AYALABARI T.E. P.O. KARIMGANJ DIST. KARIMGANJ  
ASSAM PIN 788712
- 4: PRITWISH DAS  
S/O LT. PRIYADA RANJAN DAS R/O NEAR NORTH KXJ BLOCK  
VILL. GARDARSHI P.O. SADARASHI DIST. ASSAM PIN 788709
- 5: SUSHANTA DAS  
S/O SAMARAJIT DAS VILL. SADARASHI P.O. SADARASHI  
SADARASHI PT 1 DIST. KARIMGANJ ASSAM PIN 788709
- 6: IKBAL AHMED CHOUDHURY  
S/O ABDUL MATIN CHOUDHURY VILL. DIMPUR  
P.O. BISHNUNAGAR DIST. KARIMGANJ ASSAM PIN 788781
- 7: SHAMIM AHMED  
S/O SIRAJ UDDIN VILL. DEOPUR P.O. TILLA BAZAR  
KALACHERRA DIST. KARIMGANJ ASSAM PIN 788709
- 8: ASHIQUE IQBAL CHOUDHURY  
S/O EBADUL HOQUE CHOUDHURY VILL. DASGRAM  
P.O. DASGRAM DIST. KARIMGANJ ASSAM PIN 788722
- 9: SANJIB BHATTACHARJEE  
S/O MANABENDRA BHATTACHARJEE VILL. DASGRAM  
P.O. DASGRAM DIST. KARIMGANJ PIN 788722
- 10: SUJON AHMED  
S/O ABDUL MALIK VILL. SARONGDEOPUR P.O. MANIKGAJ BAR  
PURA HURIA PT I DIST. KARIMGANJ ASSAM PIN 788712
- 11: MAHANTA CHAKRABORTY  
S/O MONORANJAN CHAKRABORTY VILL. MAIZGRAM  
P.O. MAIZGRAM DIST. KARIMGANJ ASSAM PIN 788712
- 12: INDRAJIT DAS

S/O NAGENDRA CHANDRA DAS R/O NABIN GRAM P.S. RAMKRISHNAGAR  
P.O. NIZNABIN DIST. KARIMGANJ ASSAM PIN 788156

13: SARIFUL AMIN  
S/O ABDUL MATIN VILL. SINGUA FUL TALI P.O. BRAJENDRAPUR  
SINGUA PT II DIST. KARIMGANJ ASSAM PIN 788156

14: SANJOY KUMAR DAS  
S/O BIRESH CHANDRA DAS VILL. CHAMELA  
P.O. CHAMELA BAZAR DIST. KARIMGANJ ASSAM PIN 788166

15: RUPAK SHARMA  
S/O HARENDRA SHARMA R/O NEAR KALACHUP L.P. SCHOOL  
P/O RAMKRISHNA NAGAR DIST. KARIMGANJ ASSAM PIN 788166

16: SANTANU CHOUDHURY  
S/O SAMARENDRA CHOUDHURY VILL. BALICHERRA  
P.O. RAMKRISHNA NAGAR DIST. KARIMGANJ ASSAM PIN 788166

17: RATISH CHANDRA ROY  
S/O JUGENDRA CHANDRA ROY VILL. KURIKALA  
P.O. BARUALA DIST. KARIMGANJ ASSAM PIN 788734

18: ABHIJIT DEY  
S/O HIRENDRA DEY VILL. BANAMALI PT-I  
P.O. KARIMGANJ DIST. KARIMGANJ ASSAM PIN 788710

19: NITAI DAS  
S/O RAI CHARAN DAS VILL. PATIRAKANDI P.O. MAHAKAL  
P.S. BADARPUR DIST. KARIMGANJ ASSAM PIN 788701

20: NURUL ISLAM  
S/O ABDUR RAHIM VILL. HASANPUR  
P.O. HASANPUR DIST. KARIMGANJ ASSAM PIN 788806

21: ALIM UDDIN  
S/O ABDUL KHALIQUE VILL. KAMALAPARA HOUSE NO. 106  
UMARPUR PT II P.O. KARIMGANJ DIST. KARIMGANJ ASSAM PIN 788806

22: NANDAN KUMAR DAS  
S/O PRABITRA MOHAN DAS VILL. GHORAMARA P.O. CHAITANYA NAGAR  
GHORAMARA PT-I DIST. KARIMGANJ PIN 788713

23: SRIKANTA DAS  
S/O KARUNAMAY DAS VILL. NAYAPATAN P.O. BHANGA BAZAR P.S.  
BADARPUR DIST. KARIMGANJ ASSAM PIN 788701

24: SUDIPTA PURKAYASTHA

VILL. MOINA P/S PATHARKANDI P.O. KANAI BAZAR  
DIST. KARIMGANJ ASSAM PIN 788724

VERSUS

1: THE STATE OF ASSAM AND 2 ORS. REPRESENTED BY THE  
COMMISSIONER AND SECY. TO THE GOVT. OF ASSAM PANCHAYAT AND  
RURAL DEVELOPMENT DEPTT. DISPUR GUWAHATI 6

2: THE COMMISSIONER AND SECY. TO THE GOVT. OF ASSAM  
FINANCE DEPTT. DISPUR GUWAHATI 6

3: THE PROJECT DIRECTOR DIST. RURAL DEVELOPMENT AGENCY (DRDA)  
CUM MEMBER SECRETARY OF THE SELECTION BOARD SETTLEMENT  
ROAD KARIMGANJ DIST. KARIMGANJ ASSAM.

**For the Appellant(s)** : Mr. A. Dasgupta, Sr. Advocate, assisted by Mr. S. Chauhan, Advocate.

**For the Respondent(s)** : Mr. S. Dutta, Standing Counsel, Panchayat & Rural Development  
Department for respondent Nos.1 & 3.  
: Mr. A. Chaliha, Standing Counsel, Finance Department for  
respondent No.2.

**- B E F O R E -**

**HON'BLE THE CHIEF JUSTICE MR. ASHUTOSH KUMAR  
HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY**

**17.06.2026**

*(Ashutosh Kumar, CJ)*

We have heard Mr. A. Dasgupta, learned Senior Advocate, assisted by Mr. S. Chauhan, learned Advocate for the appellants; Mr. S. Dutta, learned Standing Counsel, Panchayat & Rural Development Department for respondent Nos.1 & 3 and Mr. A. Chaliha, learned Standing Counsel, Finance Department for respondent No.2.

The appellants are Accredited Engineers appointed on contractual basis in the year 2010 under the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) in Karimganj District in the State of Assam. Their engagement was through the District Rural

Development Agency for implementation of Rural Employment Guarantee Works at Gram Panchayat Level.

The appellants grieve that they have been working continuously for over 14(fourteen) years. Initially, they were paid ₹10,000/- (Rupees Ten Thousand) per month and at the time of their having filed the writ petition, they were paid approximately ₹23,000/- (Rupees Twenty-Three Thousand) per month.

The appellants had approached this Court seeking a direction to the respondents to provide them parity with other similarly placed contractual; Muster Roll; and Work Charged employees of the State. They also relied on a Division Bench judgment of this Court dated 08.06.2017 passed in Writ Appeal No.45/2014 (**State of Assam & Ors. -Vs- Upen Das & Ors.**), where the State had agreed not to terminate the long serving contractual/Muster Roll employees till the age of 60(sixty) years, except on disciplinary grounds and to pay them the minimum Pay Scales. Such benefits were extended to the Casual Workers in the Panchayat & Rural Development Department but the appellants, who are Engineers appointed on contractual basis, have been denied such benefits despite offering their skilled services to the Department and the State.

The case of the appellants before the learned Single Judge was that there had been a Cabinet decision sometimes in February, 2021 for extending job security till the age of 60(sixty) years and enhanced pay to contractual employees in several Departments, which was, to a large extent, implemented as well. However, the appellants allege highly discriminatory exclusion of their services in the Department of Panchayat & Rural Development.

The learned Single Judge dismissed their case, vide judgment dated 20.06.2025, on the ground that they are contractual employees appointed in 2010 under the MGNREGA and, therefore, they would be governed by the specific contract terms with no claim for regularization. The learned Single Judge also held that the judgment in **Upen Das** (supra) would not apply to the appellants as it applies only to Muster Roll Workers/Work Charged employees and similarly placed employees working for more than 10(ten) years prior to 01.08.2017.

The Bench reiterated that no Cabinet decision was taken specifically for contractual employees of the Panchayat & Rural Development Department, which view was taken by the Court on the basis of a clarificatory letter dated 11.12.2024 from the Cabinet Cell.

Mr. Dasgupta, learned Senior Advocate for the appellants questions the afore-noted judgment on various grounds: firstly, on a misunderstanding of the claim of the appellants that they seek regularization. The appellants only claim that they be paid the minimum wages of the category of servicemen in the State and should at least have some fixity of tenure.

The issue requires consideration by the respondents/State as, perhaps, Panchayat & Rural Development Department only has been left out from being considered for such minimum benefits to persons who have offered their skilled services to the State.

Mr. Dutta, learned Standing Counsel, Panchayat & Rural Development Department seeks some time to take instructions in the matter and also to find out the minimum wages which are being paid to the Engineers under the MGNREGA.

Let these matters come up for consideration on **03.09.2026**.

**JUDGE**

**CHIEF JUSTICE**

**Comparing Assistant**