

GAHC010028452022



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

Case No. : WP(C)/1166/2022

PRASANTA BORAH AND 11 ORS
S/O SRI UMANANDA BORAH
VILL- DHANEKHUNA (NALTOLI)
P.O. BHUMURAGURI, P.S. SOLOONG
PIN-782143, DIST. NAGAON, ASSAM

2: BOOBY KUMAR DAS
S/O LATE GAKUL CHANDRA DAS
VILL- RATNAPUR
P.O. ITACHALI
P.S. SADAR
DIST. NAGAON
PIN-782003

3: DIPUMONI MEDHI
S/O SRI DINA NATH MEDHI
PARBATIPUR
WARD NO. 10

P.O. AND P.S. SONARI
DIST. CHARAIDEO
PIN-785690

4: SIMI DAS
D/O LATE DEHIRAM DAS
WEST JAMUNA ROAD
NEW COLONY
P.O. SIVASAGAR
PIN-785640
DIST. SIVASAGAR
ASSAM

5: SUBHJIT PAUL CHOUDHURY
S/O LATE DHIGENDRA PAUL CHENGEOORIE ROAD

SILCHAR
P.O. AND P.S. SILCHAR PIN-788004
DIST. CACHAR
ASSAM

6: DEBAJIT BARUAH
S/O DULU BARUAH
VILL- TEZPORE GOGRA TEA ESTATE
P.O. BINDUKURI
P.S. TEZPUR
PIN-784503
DIST. SONITPUR
ASSAM

7: RATUL KUMAR NATH
S/O SRI PADMA NATH
VILL- TELIAL
P.O. HAFALUTING
DIST. SIVASAGAR

PIN-785661

8: SURUJ JYOTI DUTTA
S/O JOGEN DUTTA
VILL- NARAGAON
P.O. NARAGAON
PN-787052
DIST. LAKHIMPUR
ASSAM

9: SMRITI LEKHA SAIKIA
D/O GAUTAM PRASAD SAIKIA
VILL- BARUABARIGAON
P.O. MOUT GAON

P.S. JORHAT
PIN-785105
DIST. JORHAT

10: APURBA MAHANTA
S/O LATE TARUN MAHANTA
VILL- ARIKUCHI
P.O. ARIKUCHI
P.S. AND DIST. NALBARI
PIN-781339

11: PRANJAL DAS
S/O DAMBARUDHAR DAS

VILL- BHELLA
P.O. BHELLA
P.S. BARPETA

DIST. BARPETA
PIN-781309

12: ABINASH BHUYAN
S/O JHULAN BHUYAN
VLL- BARHAMPUR
P.O. JAMUGURIHAT
DIST. SONITPUR
PIN-78418

VERSUS

THE STATE OF ASSAM AND 5 ORS
REP. BY THE CHIEF SECRETARY TO THE GOVT. OF ASSAM, DISPUR-781006,
ASSAM

2:THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM

LABOUR AND WELFARE DEPARTMENT
DISPUR
GUWAHATI-781006
ASSAM

3:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM

FINANCE DEPARTMENT
DISPUR-781006
ASSAM

4:THE ASSAM BUILDING AND OTHER CONSTRUCTION WORKERS
WELFARE BOARD

REP. BY ITS CHAIRMAN
GOPINATH NAGAR
GUWAHATI-781016
ASSAM

5:THE MEMBER SECRETARY

THE ASSAM BUILDING AND OTHER CONSTRUCTION WORKERS
WELFARE BOARD GOPINATH NAGAR
GUWAHATI-710616
ASSAM

6:THE LABOUR COMMISSIONER OF ASSAM

GOPINATH NAGAR
GUWAHATI-781016
ASSA

Advocate for the Petitioner : MR. M K CHOUDHURY

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

ORDER

Date : 23.02.2022

Heard Mr. M.K. Choudhury, learned counsel for the petitioners, who submits that in terms of the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996, the Assam Building and Other Construction Workers Welfare Board had been established in 2008.

The petitioners, in the meantime were appointed as Office-cum-Bill Assistant and Office-cum-Account Assistant by the Board in the years from 2011 to 2014, purely on contractual basis for a period of 1 (one) year on a fixed pay from Rs. 7,000/- to Rs. 10,000/-. Upon expiry of the contractual period of 1 (one) year, the petitioners were re-engaged in the same capacity for another year. The Board thereafter prepared and adopted the Assam Building and Other Construction Worker's Welfare Board Service Rules, 2014, to regulate the services of the employees engaged under the Board.

The petitioners' counsel submits that the Assam Building and Other Construction Worker's Welfare Board Service Rules, 2014 has not been approved

by the Government of Assam as on date and accordingly, a direction should be issued to the State respondents to take a decision on the said matter.

The petitioners' counsel also submits that the petitioners have also been transferred vide Order dated 14.12.2021 and re-engaged in some other places and the petitioners have complied with the transfer order.

Issue notice, returnable in 4 (four) weeks.

Mr. T.C. Chutia, learned Government Advocate accepts notice on behalf of the respondent Nos. 1, 2 & 6 and Mr. R. Borbujari, learned counsel accepts notice on behalf of the respondent No. 3.

Petitioner to take steps for service of notice upon the respondent Nos. 4 & 5 by registered post with A/D within 3 (three) days.

List the matter again **after 4 (four) weeks.**

JUDGE

Comparing Assistant