

GAHC010028452022



undefined

**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, MS. ANASUYA C,MR. A  
BARKATAKI,MR P BHARADWAJ

**Advocate for the Respondent** : GA, ASSAM, SC, FINANCE

**BEFORE**  
**HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI**

**ORDER**

**Date : --11.08.2025**

Heard Mr. M. Sarma, learned counsel for the petitioner. Also heard Mr. R. Dhar, learned Additional Senior Government Advocate, appearing for the respondent Nos.1, 2, 4, 5 and 6. None appears for the Finance Department on call.

**2.** Mr. R. Dhar, learned Additional Senior Government Advocate, submits that the affidavit-in-opposition has been filed on 22.07.2025.

**3.** Mr. M. Sarma, learned counsel for the petitioner draws the attention of this court to the affidavit-in-opposition filed on behalf of the respondent Nos.5 and 6 on 22.07.2025, wherein paragraph No.17 reads as:-

*“17. That with regard to the statement made in paragraphs 26, 27, 28 & 29 to the writ petition the deponent has no comment.*

*However, in responding the paragraphs No. 15 to 29, apart from all above, the respondents submit that all the petitions have been engaged purely on temporary basis and in view of the same*

*regulations of their services depends upon the existing rules and regulation enacted in this regard. Further it is also necessary to submit that the 'Assam Building and other Construction Workers Welfare Board' has taken all due endeavors to finalize the draft service rules, i.e. The Assam building & other construction workers welfare Board Service Rules 2014 as per the directions of the Hon'ble Supreme Court for smooth functioning of over all activities of the Board as well as for the regularization of its employees to be engaged here in after. The respondent further submit that considering the legitimate delay in implementation of the Service Rules (i.e. The Assam Building & other construction workers welfare Board Service Rules 2-014), the respondent has already formulated a Human Resource Policy considering the other Human resource Policies followed by the other departments of Govt. of Assam, for the immediate regulations of the works of the board as well as to providing benefits to the contractual staffs engaged time to time on contractual basis. The respondents are committed to ensuring the welfare of the employees, including addressing their working conditions, remuneration and health benefits. These measures reflect the Board's dedication to improving the welfare and stability of its workforce."*

- 4.** Reading the aforesaid paragraph it appears that the respondents have admitted the claim of the petitioners for regularization; however, is silent as regards the implementation of the same.
- 5.** Mr. R. Dhar, learned Additional Senior Government Advocate, at this stage seeks for a short accommodation to obtain up-to-date instruction as regards the implementation of the issue in hand.
- 6.** Re-list the matter **after 4 (four) weeks** on a date to be fixed by the Registry.

**7.** A copy of the Human Resource Policy shall also be kept readily available on the next date of listing for the perusal of the court, if necessary.

**JUDGE**

**Comparing Assistant**