

GAHC010056772026



undefined

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

**Case No. : WP(C)/1604/2026**

GAUTAM BARUAH AND 42 ORS.  
S/O-JITENDRA BARUA, AGED ABOUT-36, VILLAGE-DAMADARPUR PT-I,  
P.O-SILGARA, DIST-KOKRAJHAR, BTC, ASSAM PIN-783348

2: LUDAU RABHA  
S/O-BANGTU RABHA  
AGED ABOUT-42  
VILLAGE-JARNAGRA PT-I  
P.O-SILGARA  
DIST-KOKRAJHAR  
BTC  
ASAAM  
PIN-783348

3: KHALILUR RAHMAN  
S/O-RAHMAN ALI  
AGED ABOUT-44  
VILLAGE-HATIPOTA PT-I  
P.O-HATIPOTA  
DIST-DHUBRI  
PIN-783348

4: MOHIDUL ISLAM  
S/O-DELSAD ALI  
AGED ABOUT-35  
VILLAGE-ALURBHUI  
P.O-SILGARA  
DIST-KOKRAJHAR  
BTC ASSAM  
PIN-783348

5: MOHIR UDDIN SK  
S/O-BHASHA ALI  
AGED ABOUT-44

VILLAGE-ALURBHUI  
P.O-SILGARA  
DIST-KOKRAJHAR  
BTC ASSAM  
PIN-783348

6: ROFIQUL HOQUE  
S/O-AMZAD ALI  
AGED ABOUT-37  
VILLAGE-TINTILA  
P.O-SILGARA  
DIST-KOKRAJHAR  
PIN-783348

7: MANIK ALI  
S/O-SIDDIQUE ALI  
AGED ABOUT-35  
VILLAGE-ALURBHUI  
P.O-SILGARA  
DIST-KOKRAJHAR  
BTC  
ASSAM  
PIN-783348

8: MANNAN ALI  
S/O-SIDDIQUE ALI  
AGED ABOUT-45  
VILLAGE-ALURBHUI  
P.O-SILGARA  
DIST-KOKRAJHAR  
BTC  
ASSAM PIN-783348

9: ABDUL WAHEB  
S/O-MOHIRUDDIN SK  
AGED ABOUT-41  
VILLAGE-ALURBHUI  
P.O-SILGARA  
DIST-KOKRAJHAR  
BTC  
ASSAM  
PIN-783348

10: KHODA BOX SK  
S/O-MOHAR ALI SK  
AGED ABOUT-37  
VILLAGE-ALURBHUI  
P.O-SILGARA

DIST-KOKRAJHAR  
BTC  
ASAAM  
PIN-783348

11: JAKIR HUSSAIN  
S/O-NURAL ISLAM  
AGED ABOUT-35  
VILLAGE-ALURBHUI  
P.O-SILGARA  
DIST-KOKRAHAR  
BTC  
ASSAM  
PIN-783348

12: SANOWAR HUSSSAIN  
S/O-NURAL ISLAM  
AGED ABOUT-37  
VILLAGE-ALURBHUI  
P.O-SILGARA  
DIST-KOKRAJHAR  
BTC  
ASSAM  
PIN-783348

13: ASHAB ALI  
S/O-KASEM ALI  
AGED ABOUT-36  
VILLAGE-ALURBHUI  
P.O-SILGARA  
DIST-KOKRAJHAR  
BTC  
ASSAM  
PIN-783348

14: MIZANUR HOQUE  
S/O-HUSSAIN ALI  
AGED ABOUT-36  
VILLAGE-SRIGRAM PT-V  
P.O-SALKOCHA  
DIST-DHUBRI  
ASSAM  
PIN-783348

15: KADER ALI  
S/O-SUMU ALI  
AGED ABOUT-37  
VILLAGE-TARANGAPUR

P.O-CHAPAR  
DIST-DHUBRI  
ASSAM  
PIN-783371

16: SAHAR ALI  
S/O-LT. ASKER ALI  
AGED ABOUT-43  
VILLAGE-SRIGRAM PT-VI  
P.O- HATIPOTA  
DIST-DHUBRI  
ASSAM  
PIN-783348

17: KALAM ALI  
S/O-SAMSUL HOQUE  
AGED ABOUT-37  
VILLAGE-ALURBHUI  
P.O-SILGARA  
DIST-KOKRAJHAR  
PIN-783348

18: SOFIAR RAHMAN  
S/O-KUDDUS ALI  
AGED ABOUT-43  
VILLAGE-SRIGRAM  
P.O-HATIPOTA  
DIST-KOKMRAJHAR  
BTC  
ASSAM  
PIN-783348

19: NARATTAM CHAUDHURY  
S/O-ANJAN CHOUDHURY  
AGED ABOUT-37  
VILLAGE-DAMODARPUR PT-II  
P.O-SILGARA  
DIST-KOKRAJHAR  
BTC  
ASSAM PIN-783348

20: NABAJYATI RAY  
S/O-AKAN RAY  
AGED ABOUT-37  
VILLAGE-DAMODARPUR PT- I  
P.O- SILGARA  
DIST-KOKRAJHAR  
BTC

ASSAM  
PIN-783348

21: GOPAL BASUMATARY  
S/O-SUNI RAM BASUMATARY  
AGED ABOUT-36  
VILLAGE-BASHBARI  
P.O-SILGARA  
DIST-KOKRAJHAR  
BTC  
ASSAM  
PIN-783348

22: SURAJIT DAS  
S/O-KAMAL DAS  
AGED ABOUT-36  
VILLAGE-SATYAPUR  
P.O-CHAPAR  
DIST-KOKRAHJAR  
BTC  
ASSAM PIN-783348

23: MOSTOFAR ALI  
S/O-GOHOR UDDIN SHEIKH  
AGED ABOUT-48  
VILLAGE-CHIRAKUTA  
P.O-CHIRAKUTA  
DIST-DHUBRI  
ASSAM  
PIN-783348

24: SHAHANUR ALI  
S/O-GOHOR UDDIN SHEIKH  
AGED ABOUT-37  
VILLAGE-CHIRAKUTA PT-I  
P.O-CHIRAKUTA  
DIST-DHUBRI  
PIN-783348

25: TAJNUR SK  
S/O-IDO SHEIKH  
AGED ABOUT-37  
VILLAGE-BAMUNGAON RIVER BLOCK  
P.O- JAMDUAR  
DIST-DHUBRI  
PIN-783348

26: MOFIJUL HOQUE

S/O-KASEM ALI  
AGED ABOUT-37  
VILLAGE-BAMUNGAON PT-I  
P.O-SILGARA  
DIST-KOKRAJHAR  
PIN-783348

27: ABDUL MANNAF  
S/O-NAFLU SHEIKH  
AGED ABOUT-40  
VILLAGE-BAMUNGAON RIVER BLOCK  
P.O- JAMDUAR  
DIST-DHUBRI  
ASSAM  
PIN-783348

28: RUHUL AMIN  
S/O-ABDUL MOZID  
AGED ABOUT-43  
VILLAGE-BAMUNGAON PT-I  
P.O-SILGARA  
DIST-KOKRAJHAR  
PIN-783348

29: MOJNU ALI  
S/O-NAFULU SHEIKH  
AGED ABOUT-37  
VILLAGE-BAMUNGAON RIVER BLOCK  
P.O-JAMDUAR  
DIST-DHUBRI  
PIN-783348

30: MOSTAF ALI  
S/O-HAFEJUDDIN SHEIKH  
AGED ABOUT-42  
VILLAGE-BAMUNGAON PT-I  
P.O-SILGARA  
DIST-KOKRAJHAR  
BTC  
ASSAM  
PIN-783348

31: ROFIQUL ISLAM  
S/O-NAFLU SHEIKH  
AGED ABOUT-38  
VILLAGE- BAMUNGAON RIVER BLOCK  
P.O-JAMDUAR  
DIST-DHUBRI

PIN-783348

32: KHALIL KHAN  
S/O-LT. AKBAR KHAN  
AGED ABOUT-41  
VILLAGE-BAMUNGAON PT-IV  
P.O-SILGARA  
DIST-KOKRAJHAR  
BTC  
ASSAM  
PIN-783348

33: ASMAT ALI  
S/O-NASHIR UDDIN SK  
AGED ABOUT-37  
VILLAGE-BAMUNGAON PART-IV BOROKASH  
P.O-SILGARA  
DIST-KOKRAJHAR  
BTC  
ASSAM  
PIN-783348

34: SADDAM HUSSAIN  
S/O-JURAN ALI AHMED  
AGED ABOUT-32  
VILLAGE-NALBARI BETHAGAON  
P.O-SILGARA  
DIST-KOKRAJHAR  
BTC  
ASSAM  
PIN-783370

35: GIAS UDDIN SHEIKH  
S/O-HUSSAIN MUNSHI  
AGED ABOUT-41  
VILLAGE-BAMUNGAON PT-IV  
P.O-SILGARA  
DIST-KOKRAJHAR  
BTC  
ASSAM  
PIN-783348

36: MOIDUL ISLAM  
S/O-KHOYBOR ALI  
AGED ABOUT-30  
VILLAGE-NALBARI  
P.O-SILGARA  
DIST-KOKRAJHAR

BTC  
ASSAM  
PIN-783348

37: ABDUL ROHIM  
S/O-ABUL HUSSAIN  
AGED ABOUT-38  
VILLAGE-SAGUNMARI PT-I  
P.O-BILASHIPARA  
DIST-DHUBRI  
ASSAM PIN-783348

38: AJIBAR RAHMAN  
S/O-SAYED ALI  
AGED ABOUT-35  
VILLAGE-BAMUNGAON PT-III  
P.O-SILGARA  
DIST-KOKRAJHAR  
BTC  
ASSAM PIN-783348

39: KAMAL HUSSAIN  
S/O-DAULAT ALI  
AGED ABOUT-34  
VILLAGE-BARUAPARA  
P.O-K/BHOTGAON  
DIST-KOKRAJHAR  
PIN-783370

40: SOPIOR ALI  
S/O-LT. DILDAR ALI  
AGED ABOUT-33  
VILLAGE-BAHADURPARA  
P.O-PRATAPKHATA-  
DIST-KOKRAJHAR  
BTC  
ASSAM  
PIN-783337

41: RABBUL HUSAIN  
S/O-DAULAT ALI  
AGED ABOUT-33  
VILLAGE-BARUAPARA  
P.O-K/BHOTGAON  
DIST-KOKRAJHAR  
PIN-783370

42: ABUL HUSSAIN

S/O-KASIMUDDIN SHEIKH  
AGED ABOUT-38 YEARS  
VILL-ALURBHUI  
P.O-SILGARA  
DIST-KOKRAJHAR  
PIN-783348

43: ABDUL KHALEK  
S/O-SIDDIQUE ALI SHEIKH  
AGED ABOUT-35 YEARS  
VILL-CHAKRASILA PT-II  
P.O-SILGARA  
DIST-KOKRAJHAR  
BTC  
ASSAM  
PIN-783348

VERSUS

THE STATE OF ASSAM AND 8 ORS.  
REPRESENTED BY THE COMMISSIONER AND SECRETARY,  
ENVIRONMENT AND FOREST DEPARTMENT, DISPUR, ASSAM, GUWAHATI-  
6

2:THE PRINCIPAL CHIEF CONSERVATOR OF FOREST  
ASSAM  
REHABARI  
GUWAHATI-8.

3:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF  
ASSAM FINANCE DEPARTMENT

DISPUR  
GUWAHATI-6.

4:THE BODOLAND TERRITORIAL COUNCIL (BTC)  
REPRESENTED BY THE PRINCIPAL SECRETARY  
KOKRAJHAR  
ASSAM  
PIN-783370

5:THE COUNCIL HEAD OF THE DEPARTMENT OF FOREST  
  
KOKRAJHAR  
BTC  
ASSAM  
PIN-783370

6:THE CHIEF CONSERVATOR OF FOREST  
KOKRAJHAR  
BTC  
ASSAM  
PIN-783370

7:THE DIVISIONAL FOREST OFFICER  
PARBATJHORA DIVISION  
KOKRAJHAR  
BTC  
ASSAM  
PIN-783337

8:THE FOREST RANGE OFFICER  
RUPSHI RANGE  
BASHBARI  
BTC  
ASSAM  
PIN-783348

9:THE FOREST RANGE OFFICER  
  
DIPLAI RANGE  
KOKRAJHAR  
BTC  
ASSAM  
PIN-78337

**Advocate for the Petitioner** : MR. A BORO, MS TOSHISENLA,I KUMARI,MR H P GUWALA

**Advocate for the Respondent** : SC, FOREST, SC, FINANCE,SC, BTC

**BEFORE**  
**HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

**ORDER**

**20.03.2026**

Heard Mr. A. Boro, learned counsel for the petitioner petitioners. Also heard Ms. N. Choudhury, learned Standing Counsel, BTC.

**2.** Having regard to the nature of the case projected by the petitioners, the

writ petition is taken up for disposal with the consent of the parties.

**3.** It is the case of the petitioner that due to shortages of manpower between the period 2006-2007, they have been engaged as casual workers under Parbatjhora Division for nursery work under different ranges Parbatjhora Division in the Forest Department, BTC. Even since their engagement, they have been working as such till date but have been paid only a meager sum of fixed wages. It is the case of the petitioners that they are entitled to get the benefit of minimum pay scale in terms of the decision rendered by a Division Bench of this Court in *State of Assam Vs Shri. Upen Das* reported in 2020 (5) GLT 605.

**4.** The learned counsel for the petitioners submits that since there is no dispute, a direction may be issued to the respondent authorities to pay the petitioner a minimum scale of pay in terms of *Upen Das (supra)*.

**5.** Ms. N. Choudhury, learned Standing Counsel, BTC on the other hand submits that the petitioners are only engaged on casual basis and since it is not a substantive appointment, there is no question of granting them the pay scale as claimed by them. It may however, be seen the direction of a Division Bench of this Court in *Upen Das (supra)* that all such Muster Roll Workers, Worked Charge Workers and similarly placed employees working since the last more than 10 years and not in a sanctioned post should be granted the minimum of pay scale w.e.f. 01.08.2017. Admittedly, the petitioners in the present case are not working against a sanctioned post but are engaged as casual worker since 2006-2007 which has not been disputed by the respondents.

**6.** Considering the same, the respondent authorities are directed to grant the petitioners the benefit of minimum pay scale in terms of *Upen Das (supra)*. Before granting them such benefit, the respondents will be at liberty to make necessary verifications as may be required. The petitioners be afforded the minimum pay scale as directed above as expeditiously as possible and preferably within a period of 3 (three) months from the date of receipt of a certified copy of this order.

**7.** Writ petition accordingly stands disposed of.

**JUDGE**

**Comparing Assistant**