

GAHC010075892018



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

Case No. : WP(C)/2417/2018

HAIDAR HUSSAIN LASKAR
S/O. LT. TAHIR ALI LASKAR, R/O. VILL. PATHARI GRAM, P.O. RAJ NAGAR,
P.S. SILCHAR, DIST.- CACHAR, ASSAM, PIN-788026

VERSUS

THE STATE OF ASSAM AND 3 ORS.
THROUGH THE COMMISSIONER AND SECRETARY TO THE GOVT. OF
ASSAM, DEPARTMENT OF LABOUR AND EMPLOYMENT, DISPUR,
GUWAHATI-781006

2:THE COMMISSIONER OF FINANCE
ASSAM
BELTOLA
GUWAHATI-781028

3:THE DIRECTOR
EMPLOYMENT AND CRAFTSMEN TRAINING ASSAM
REHABARI
GUWAHATI-781028.

4:THE PRINCIPAL (SR.) INDUSTRIAL TRAINING INSTITUTE (ITI)
SRIKUNA
DIST. CACHAR
ASSAM

Advocate for the Petitioner : MR M H AHMED, MR A. HUSSAIN

Advocate for the Respondent : SC, LABOUR AND UNEMPLOYMENT, SC, FINANCE, MR. B
GOGOI (SC, FINANCE DEPARTMENT), MR. S P DAS

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

17.02.2026

Heard Mr. MH Ahmed, learned counsel for the petitioner. Also heard Mr. SP Das, learned counsel for the respondents no.3 & 4 and Mr. M. Bhuyan, learned counsel for the Finance Department for the respondent no.2.

2. The petitioner herein had approached this Court earlier by filing WP(C) No.6010/1999 and in view of the Judgment and Order dated 08-01-2013 passed in WP(C) No.6011/1999 and other connected writ petitions, the Coordinate Bench had passed similar directions on 29.11.2005 in WP(C) No.245/1999 and on 12.03.2007 in WP(C) No.6010/1999. The exercise was directed to be conducted by the respondents within a period of 6 (six) months from the date of receipt of the communication from the petitioners and the writ petitions were accordingly disposed of.

3. It is the submission of the learned counsel for the petitioner that pursuant to the directions contained in 08-01-2013, no process for regularisation was undertaken by the respondent authorities. The petitioner is still serving as Junior Instructor, ITI at Srikona, Sribhumi.

4. Under such circumstances, the present written petition has been filed.

5. The respondents although have filed their counter affidavit, there is no averment as to why no process for regularisation has been carried out in terms of the directions contained in the Judgment and Order dated 12.03.2007 passed in WP(C) No.6010/1999.

6. Every employee working under the Government or under the State instrumentality will have to be employed as per the procedure prescribed under the Rules. No explanation has been furnished by the respondents as to why the petitioner has been allowed to carry out his duty without taking any steps for regularisation of his service as per the directions of this Court.

7. This view of the Court is fortified by the recent judgments rendered by the Apex Court in *Jaggo vs. Union of India and Ors.* reported in 2024 INSC 1034, as also followed in ***Shripal & Anr. v. Nagar Nigam, Ghaziabad*** reported in 2025 SCC OnLine SC 221 and other similar judgments, where the Apex Court has categorically held that extraction of service of employees by the Government Departments for years together without taking any steps for regularising their services amounts to violation of their constitutional rights.

8. Under such circumstances, this Court reiterates the directions issued earlier by the Coordinate Bench of this Court by Judgment and Order dated 08-01-2013 passed in WP(C) No.6011/1999 and other connected writ petitions and

directs the respondent authorities to undertake the process of regularisation as expeditiously as possible within a period of 120 (one hundred and twenty) days from the date of receipt of a certified copy of this order. The respondents will formulate necessary schemes, if required, for taking into consideration the grievances urged before this Court by the petitioner and other similarly situated persons, who are equally rendering services but are not available before the Court.

9. Under such circumstances and in view of the above conclusions, the written petition stands disposed of. No order as to cost. Interim order, if any stands merged.

JUDGE

Comparing Assistant