

GAHC010095142025



undefined

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

Case No. : Cont.Cas(C)/248/2025

APURBA CHAKRABORTY
S/O LATE SACHINDRA CHANDRA CHAKRABORTY, RETIRED ON 31.01.2023
AS KHALASI (WORK CHARGE) FROM THE OFFICE OF THE EXECUTIVE
ENGINEER, CACHAR IVN. (W.R.) DIVISION, BADARPUR, R/O ITKHOLA
ROAD, SILCHAR, DIST- CACHAR, ASSAM, PIN-788001

VERSUS

PABITRA RAM KHAUND, IAS AND 4 ORS.
SECRETARY TO THE GOVERNMENT OF ASSAM, DEPARTMENT OF WATER
RESOURCE, ASSAM CIVIL SECRETARIAT, GUWAHATI, ASSAM, PIN-781006

2:BHASKAR JYOTI SARMA
THE CHIEF ENGINEER
ASSAM
WATER RESOURCE DEPARTMENT
BASISTHA
GUWAHATI
ASSAM
PIN-781029

3:JAGADIPAN DEY
SUPERINTENDING ENGINEER
SILCHAR WATER RESOURCE CIRCLE
SILCHAR
CACHAR
ASSAM
PIN-788001

4:DR. GAURAV KUMAR
ACCOUNTANT GENERAL
ASSAM

MAIDAMGAON
BELTOLA
GUWAHATI
ASSAM
PIN-781029

5:JAYANT NARLIKAR
IAS
COMMISSIONER AND SECRETARY TO THE GOVT OF ASSAM
DEPARTMENT OF FINANCE
ASSAM SECRETARIAT
DISPUR
GUWAHATI
ASSAM
PIN- 78100

Advocate for the Petitioner : MR. B PURKAYASTHA, MR. J P BARUAH

Advocate for the Respondent : MR R M DAS (R-2), MS. R DEKA(R-3),MR R M DAS (R-3),MS. R DEKA(R-2)

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

27.02.2026

Heard Mr. B. Purkayastha, learned counsel for the petitioner.

2. This contempt petition is directed against the order dated 20.06.2024 passed in a bunch of writ petition where the lead case is W.P(C) No. 6582/2023. The Court had passed the following order:

“14. The learned counsel for the petitioner has also not urged before this Court that notwithstanding the Judgment of the Upen Das(Supra) subsequent Judgment of the Apex Court have been rendered where the Apex Court has laid down a ratio which will override the ratio laid down in Upen Das (Supra). No attempt has been made to distinguish the facts of the case of Upen Das(Supra) as with the facts of this case save and except that in Upen Das(Supra), the claim was for grant of minimum scale of pay whereas the present writ petitioners do not have such prayers as they were

already granted their regular scale of pay.

15. Be that as it may, a specific issue was raised before the Division Bench of this Court in Upen Das (Supra) as to whether Muster Roll Workers/ Work charged employees are entitled to pension. This has been negated by the Judgment of the Division Bench of this Court in Upen Das(Supra). The same is therefore binding on this Court. The learned counsel for the petitioners have also placed before this Court an order passed in respect of other similarly situated worked charge employees who have been considered to be eligible for grant of pension by the Department. Copy of such order is available in this writ petition. The respondents did not file any affidavit in response to such averments nor have they disputed the correctness of the order issued by the competent department.

16. Under such circumstances, this Court is of the view that if other worked charge employees working in other or similarly situated departments are extended the benefit of pension then the cases of the writ petitioners may also be considered for grant of such benefits by the Government.”

3. This contempt petition is directed that the order passed by this Court has not been carried out.

4. The learned counsel representing the respondent Ms. P Chakraborty, submits that the department has examined the matter and the proposal for pension has already been sent to the pension department of the State which is pending before the Department.

5. Under such circumstances, this Court is of the view that no contempt is made out and accordingly at this stage this contempt petition can be closed. It is ordered accordingly.

6. Notices issued stand recalled.

7. The petitioner is open to approach this Court for his legitimate grievances if any.

JUDGE

Comparing Assistant