

GAHC010095752026



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

**Case No. : WP(C)/2597/2026**

MONMOHAN GOWALA  
S/O LATE BHOLA GOWALA, R/O VILL. TOPUBARI, P.O. KONWARI, DIST.  
BISWANATH, ASSAM.

VERSUS

THE STATE OF ASSAM AND 3 ORS  
REPRESENTED BY THE PRINCIPAL SECRETARY, HEALTH AND FAMILY  
WELFARE DEPARTMENT, GOVT. OF ASSAM, DISPUR GUWAHATI 06

2:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF  
ASSAM  
DEPARTMENT OF FINANCE  
ASSAM CIVIL SECRETARIATE  
DISPUR  
GUWAHATI -781006

3:THE DIRECTOR OF HEALTH SERVICES  
ASSAM  
HENGRABARI  
GUWAHATI-36

4:THE JOINT DIRECTOR OF HEALTH SERVICES

BISWANATH  
ASSA

**Advocate for the Petitioner : A B T HAQUE, MS. P DAS**

**Advocate for the Respondent : SC, FINANCE, SC, HEALTH**

**BEFORE  
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

**ORDER**

**20.05.2026**

Heard Mr. A. B. T. Haque learned counsel for the petitioner. Also heard Ms. S. Sarma, learned Standing Counsel, Health.

**2.** Having regard to the nature of the case projected by the petitioner, 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 2004, the petitioner has been engaged as Grade-IV employee, and currently serving in the Balichang SHC, Biswanath under the Administrative control of the Directorate of Health Services, Assam. Even since his engagement, he has been working as such till date but have been paid only a meager sum of fixed wages. It is the case of the petitioner that he is entitled to get the benefit of minimum pay scale in terms of the decision render 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 petitioner 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. S. Sarma, learned Standing Counsel, Health on the other hand submits that the petitioner is 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 petitioner in the present case are not working against a sanctioned post but are engaged as casual worker since 2004 which has not been disputed by the respondents.

**6.** Considering the same, the respondent authorities are directed to grant the petitioner 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 petitioner 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**