

GAHC010105592023



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

Case No. : WP(C)/2863/2023

NURUL ISLAM AND 8 ORS.
S/O- LATE ABDUL MAZID, R/O- VILL.- KUKURMARA PART-III, P.S.
MANKACHAR, DIST, SOUTH SALMARA MANKACHAR, ASSAM, PIN-
783131.

2: ACHYUT KUMAR NATH
S/O- LATE SONA RAM NATH
R/O- VILL.- MANGOLDAI RAJA PAM WARD NO. 09
P.S. MANGALDAI
DIST. DARRANG
ASSAM
PIN- 784125.

3: SUBHADRA BANIA
S/O- LATE MOHAN CH. BANIA
R/O- VILL.- PITHA KHAWA
P.S. SIPAJHAR
DIST. DARRANG MONGALDAI
MANCACHAR
ASSAM
PIN- 784145.

4: DIPAK BHUYAN
S/O- LATE GHANA KANTA BHUYAN
R/O- VILL.- SATH GHARIA
P.S. SIPAJHAR
DIST. MONGOLDAI
DARRANG
ASSAM
PIN- 784145.

5: RATUL KUMAR BORAH
S/O- LATE DHANESWAR BORAH
R/O- VILL.- POHUKATA

P.S. SAMAGURI
DIST. NAGAON
PIN- 782140.

6: ABDUL BRICATEN KHANDAKAR
S/O- LATE MOMTAZ ALI KHANDAKAR
R/O- VILL.- BHURAKATA
P.S. MANKACHOR
DIST. SOUTH SALMARA MANKACHAR
PIN- 783131.

7: MONTU BORAH
S/O- LATE PRABINDRA BORAH
R/O- VILL.- GODHARIA GAON
P.S. SADAR NOGAON
DIST. NOGAON
PIN- 782141.

8: KHUSMAHAMMOD ALI
S/O- LATE KHABIR ALI
R/O- VILL.- DHAMDHAMA
P.S. GHAGRAPAR
DIST. NALBARI
PIN- 781349.

9: GITA DATTA
D/O- LATE GOPAL DATTA
R/O- VILL.- DHANIRAM PATHAR
DIST. HOJAI
PIN 782435

VERSUS

THE STATE OF ASSAM AND 8 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT OF
ASSAM

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

3: COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
IRRIGATION DEPARTMENT.

4: CHIEF ENGINEER IRRIGATION
ASSAM

5:EXECUTIVE ENGINEER
MANKACHAR IRRIGATION DIVISION
HATSINGIMARI.

6:EXECUTIVE ENGINEER
MANGALDOI IRRIGATION DIVISION
MANGALDOI.

7:EXECUTIVE ENGINEER
NAGAON
IRRIGATION DIVISION.

8:EXECUTIVE ENGINEER
NALBARI IRRIGATION DIVISION.

9:EXECUTIVE ENGINEER
HOJAI IRRIGATION DIVISION

Advocate for the Petitioner : MR. D P CHALIHA

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

Date : 24/05/2023

Heard Mr. D. P. Chaliha, learned senior counsel assisted by Ms. M. Roy, learned counsel for the writ petitioners.

The petitioners herein were all initially engaged as Muster Roll/Work Charge employees under the different Engineering Departments of Assam. Subsequently, their services were continued as Muster Roll. Aggrieved by the decision of the respondents not to pay minimum pension after their retirement, the petitioners have approached this Court by filing the instant writ petition seeking a Writ of Mandamus.

Mr. N.Upadhyay, learned Standing Counsel, Irrigation Department, Assam and Mr. A. Chaliha, learned Standing Counsel, Finance Department, Assam, have prayed for some time to obtain

instruction in the matter.

Issue notice of motion returnable in six weeks.

Since Mr. D. Bora, learned Government Advocate, Assam, has accepted notice on behalf of the respondent no.1, Mr. A. Chaliha, learned Standing Counsel, Finance Department, Assam, has accepted notice on behalf of the respondent no. 2 and Mr. N.Upadhyay, learned Standing Counsel, Irrigation Department, Assam has accepted notice on behalf of the respondent nos. 3 to 9, service of notice is deemed to be complete in this case. However, extra copies of the writ petition, requisite in numbers, be furnished to the learned departmental counsel within one week from today, so as to enable them to obtain instruction and file affidavit.

List accordingly.

JUDGE

sukhamay

Comparing Assistant