

GAHC010122282015



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

Case No. : WP(C) 6322/2015

1: SUREN CH. KALITA and 3 ORS.
S/O. LT. SANIRAM KALITA, R/O. JYOTIKUCHI, DHOPOLIA, SARAT SINGH
PATH, GHY.-781034, DIST. KAMRUP M.

2: RASHMI REKHA PATHAK

D/O. MADHAB CH. PATHAK
P.O. CHENGA
SALDIAPARA.

3: ANIL CH. RAY

S/O. LT. CHEPA RAM RAY
VILL. DEORIPARA
BONGAIGAON
P.O. and DIST. BONGAIGAON.

4: Smti. Manalisha Bora Ojah

W/o- Late Gokul Ojah
R/o- Vill. Dahati
P.O and P.S- Barpeta
Dist- Barpeta
Assa

VERSUS

1: THE STATE OF ASSAM AND 5 ORS
DEPTT. OF WELFARE OF BACKWARD CLASSES.

2: THE CHAIRMAN
ASSAM STATE DEV. CORPN. FOR O.B.C. LTD. DR. B.K. KAKATY RD.
GOPINATH BAGAR
GHY.781016.

3:THE MANAGING DIRECTOR
ASSAM STATE DEV. CORPN. FOR O.B.C. LTD.
DR. B.K. KAKATY RD.
GOPINATH NAGAR
GHY.781016.

4:THE GENERAL MANAGER
ASSAM STATE DEV. CORPN. FOR O.B.C. LTD. DR. B.K. KAKATY RD.
GOPINATH NAGAR
GHY.-781016.

5:THE COMMISSIONER and SECY.
WPT and BC DEPTT.
DISPUR
GHY.-781016.

6:THE DIRECTOR
WPT and BC DEPTT.
DISPUR
GHY.-781016

Advocate for the Petitioner : MR.A CHETRY

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE NELSON SAILO**

ORDER

Date : 15-11-2019

Heard Mr. M.P. Sarma, learned counsel for the petitioners, who submits that the petitioners have been engaged in Grade – III and Grade – IV post under the respondent Nos. 2, 3 & 4 on casual basis. Despite their engagement since the year 1991, their services have not been regularized till date. Despite this, the respondent authority concerned have not released the arrear salaries of the petitioners in terms of the Office Memorandum dated 25.02.2010 and 14.03.2013.

Mr. A.K. Sarma, learned counsel for the respondent Nos. 2, 3 & 4 submits

that the respondent corporation is having financial crisis and is dependent upon the fund sanctioned by the Government. From the available fund, there is only enough amount for release of current salaries. In so far as the regularization of service is concerned, the State Government in the Welfare of Plain Tribes and Backward Classes Department has imposed a ban as recommended by the said Department through its Deputy Secretary on 31.08.1995. The said Communication is annexed as "Annexure-1" in the affidavit-in-opposition of the respondent Nos. 2 to 4 filed on 11.02.2016.

Mr. M.P. Sarma, the learned counsel on the other hand submits that the ban is in respect of creation of new post and regularization of such appointed persons. However, the petitioners have been appointed since the year 1991 and in fact, the proposal was already made for their regularization by the Corporation and forwarded to the State Government in the Welfare of Plain Tribes and Backward Classes Department.

On considering the submission made by Mr. M.P Sarma, the petitioners shall file an additional affidavit incorporating any such material in their possession showing that such proposal have been sent to the State Government. The additional affidavit should be filed within a month.

Mr. D. Doley, learned State Counsel for the respondent Nos. 1, 5 & 6 shall also obtain instructions in this regard and file affidavit-in-opposition.

Case be listed again on 20.12.2019.

JUDGE

Comparing Assistant