

GAHC010134972023



undefined

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

Case No. : WP(C)/3599/2023

BIJIT CHAKRAVORTY
S/O- LATE N. N. CHAKRAVORTY, BIDYAPUR NALBARI TOWN, P.S. AND
DIST. NALBARI, ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS
NOTICE THROUGH THE SECRETARY TO THE GOVERNMENT OF ASSAM,
FOOD CIVIL SUPPLIES AND CONSUMER AFFAIRS DEPARTMENT, DISPUR,
GUWAHATI-6.

2:THE PRESIDENT

DISTRICT CONSUMER DISPUTE REDRESSAL COMMISSION
NALBARI.

3:DIRECTOR OF FOOD
CIVIL SUPPLIES AND CONSUMER AFFAIRS DEPTT.

GUWAHATI-5
ASSAM

4:SECRETARY TO THE GOVERNMENT OF ASSAM
FINANCE DEPARTMENT
DISPUR
GUWAHATI-6

Advocate for the Petitioner : MR D CHOUDHURY, MRS A K CHOUDHURY,MR M
CHOUDHURY,MR P J DAS

Advocate for the Respondent : GA, ASSAM, SC, FINANCE DEPTT.

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

28-07-2025

Heard Mr. D Choudhury, learned counsel for the petitioner. Mr. P. Nayak, learned Additional Advocate General, Assam and Mr. D. Bora, learned Junior Government Advocate, Assam.

The writ petitioner is before this Court reiterating his earlier prayer for seeking a direction from the Court for release of his revised pay for the period he is entitled to. This issue was settled by the judgment and order dated 08.02.2013 passed in WP(C) No.4383/2004 and which stood confirmed following the dismissal of the Special Leave Petition filed by the State by order dated 02.01.2019. In spite of that, the revised pay has not been released to the writ petitioner. Being aggrieved, he has approached this Court for the second time on the same issue.

Mr. P. Nayak, learned Additional Advocate General, Assam, on the other hand, submits that there is another issue to be decided in respect of the regularization sought for by the petitioner. In this regard by order dated 06.06.2002, the Coordinate Bench of this Court had disposed of CR No. 1675/1997 by directing the respondent authorities to consider the case of the

writ petitioner for regularization and further holding that the petitioner must undergo the process of selection in view of any post of Peon Grade-IV, which is required to be filled up in the consumer Forums of the State under which the writ petitioner is presently serving.

Mr. P. Nayak, learned Additional Advocate General, Assam submits that the Department is waiting for the opinion of the Advocate General of the State in view of the direction issued relating to the writ petitioner towards regularization. He, however, fairly submits that the question of release of revised pay is already settled by the Apex Court. However, in view of the fact that the opinion of the Advocate General of the State is still awaited by the respondent department, the release of the revised pay amount to the petitioner could not be undertaken.

On the pleadings available on record and upon hearing the submissions of the learned counsel for the parties as well as upon carefully perusal of the order dated 06.06.2002 passed in CR No. 1675/1997 as well as the judgment and order dated 08.02.2013 passed in WP(C) No.4383/2004 which has attained finality upon dismissal of the SLP filed by the State by the order dated 02.01.2019, it appears to the Court that both were two separate issues. Whereas in CR No.1676/1997 which was disposed of by the Coordinate Bench on 06.06.2002, the question of regularization of the petitioner was the issue

before the Court, in contrast, in WP(C) no. 4383/2004, which was disposed of on 08.02.2013, the issue pertained to release of the revised scale of pay to the petitioner in the post of Peon. Both these issues may be connected to the writ petitioner but the present writ petition has been filed by the petitioner in view of the inaction of the respondents in complying with the order dated 08.02.2013 passed in WP(C) No.4383/2004. Under such circumstances, while this Court permits the respondents to complete their instructions, it is made clear that if the direction of the Court passed in WP(C) No.4383/2004 by judgment and order dated 08.02.2013 has attained finality upon dismissal of the SLP filed by the State the order dated 02.01.2019, the authorities are directed to release the revised pay of the writ petitioner in compliance of the direction of the Court passed in WP(C) No.4383/2004 by judgment and order dated 08.02.2013 by the next date fixed and this Court will take final decision with regard to compliance of the direction contained in the order dated 08.02.2013 passed in WP(C) No.4383/2004 by the next date fixed.

Let the matter be listed again on 18.08.2025. Failure to comply with the directions of this Court may entail consequential orders from this Court.

JUDGE

Comparing Assistant