

GAHC010141042023



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

Case No. : WP(C)/4207/2023

LIKHAN GOGOI AND 11 ORS.

S/O- SORUKAN GOGOI, R/O- VILL.- NALKATA BOALGURI, P.O. KHELMATI,
DIST. LAKHIMPUR, ASSAM, PIN- 787001.

2: DIPEN KALITA

S/O- BHABEN KALITA

R/O- WARD NO. 03

NORTH LAKHIMPUR

DIST. LAKHIMPUR

ASSAM

PIN- 787001.

3: SUKRAM BORO

S/O- NIBARAM BORO

R/O- NO. 267 DOLAHAT GRANT

P.O. DOLOHAT

DIST. LAKHIMPUR

ASSAM

PIN- 787031.

4: BUDHU BORA

S/O- ABHINDRA BORA

R/O- RUAHI

P.O. PATHALIPAM

DIST. LAKHIMPUR

ASSAM

PIN- 787056.

5: BUDHUWA MANKI

S/O- KUSHA MANKI

R/O- BALIJAN NC. NO. 2

P.O. BALIJAN

DIST. LAKHIMPUR

ASSAM

PIN- 787051.

6: RENUDHAR BASUMATARY
S/O- HALI RAM BASUMATARY
R/O- DIMOW GULAI
DIST. DHEMAJI
ASSAM
PIN- 787059.

7: MD. SAMNUR ALI
S/O- CHAHANUR ALI
R/O- NO. 01
01
ELECTRICITY ROAD
BIHPURIA
DIST. LAKHIMPUR
ASSAM
PIN- 784161.

8: MUHIRAM BORO
S/O- GENDRA BORO
R/O- HOSONG
DIST. DHEMAJI
ASSAM
PIN- 787061.

9: SUMBAR GOGOI
S/O- BHUTUKA GOGOI
R/O- HANDIQUE
P.O. SIMEN CHAPORI
JONAI
DIST. DHEMAJI
ASSAM
PIN- 787061.

10: KRISHNA BAHADUR THAPA
S/O- DILBAHADUR THAPA
R/O- BIJOYPUR
P.O. UJANI
DIST. DHEMAJI
ASSAM
PIN- 787060.

11: LUKU LOHAR
S/O- BHADRA LOHAR
R/O- BORBALI
P.O. BIHPURIA
DIST. LAKHIMPUR

ASSAM
PIN- 784161.

12: BINOD BARUAH
S/O- KAMAL BORUAH
R/O- NO. 2 JALUK KATA
P.O. JALUK KATA
DIST. LAKHIMPUR
ASSAM
PIN- 784164

VERSUS

THE STATE OF ASSAM AND 6 ORS
REPRESENTED BY ITS SECRETARY TO THE GOVT. OF ASSAM, PWD
DEPARTMENT, ASSAM JANATA BHAWAN, DISPUR, GUWAHATI-6.

2:PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM
FINANCE DEPARTMENT
ASSAM JANATA BHAWAN
DISPUR
GUWAHATI-6.

3:COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
FINANCE DEPARTMENT
ASSAM JANATA BHAWAN
DISPUR
GHY-6.

4:COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
PWD DEPARTMENT
JANATA BHAWAN
DISPUR
GUWAHATI-6.

5:CHIEF ENGINEER PWD (ROADS)
ASSAM
CHANDMARI
GUWAHATI-3.

6:SUPERINTENDING ENGINEER
PWD (ROADS)
NORTH LAKHIMPUR ROAD CIRCLE
LAKHIMPUR
ASSAM
PIN- 787001.

7:EXECUTIVE ENGINEER

PWD (ROADS)
LAKHIMPUR RURAL ROAD DIVISION
NORTH LAKHIMPUR
ASSAM
PIN- 787001

Advocate for the Petitioner : MR. B K DAS

Advocate for the Respondent : SC, PWD

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

28/07/2023

Heard Mr. B K Das, learned counsel for the petitioners and Mr. B Choudhury, learned Standing counsel, PWD for the respondent Nos. 1, 4, 5, 6 & 7. Also heard Mr. R Barpujari, learned Standing counsel, Finance Department for the respondent Nos. 2 & 3.

2. It is submitted by the petitioners that they served as Muster Roll workers under the Executive Engineer, PWD, Lakhimpur Rural Road Division and they were granted minimum scale of pay of Rs.12,000/- to Rs.37,500/- + Grade pay of Rs. 3900/- at Pay Band 1 with Medical Allowance @ Rs.600/- per month, dearness allowance and house rent allowance as per the Government norms under the Revision of Pay Rule, 2017 vide Notification dated 08.03.2019 issued in terms of the judgment and order dated 08.06.2017 passed by the Division Bench of this Court in WA No. 45/2014 (State of Assam Vs. Upen Das and Others) pursuant to which the petitioners used to receive Rs.20,960/- per month.

3. Petitioners stated that by Notification dated 03.10.2019 issued by the State Government in the Finance Department, their wages have been reduced at fixed pay of Rs.15,900/- with dearness allowance etc. instead of granting them scale pay.

4. Being aggrieved, the petitioner has preferred this writ petition.

5. The contention of the petitioners herein is that without giving them any opportunity of hearing, the respondent authorities in the Finance Department unilaterally took such decision by the Notification dated 03.10.2019 deciding to pay the petitioners fixed wages/remuneration, instead of

scale pay, along with other benefits.

6. Issue notice, returnable by **8 (eight)** weeks.

7. As Mr. B Choudhury, learned Standing counsel, PWD and Mr. R Barpujari, learned Standing counsel, Finance Department have accepted notice on behalf of the respondent Nos. 1, 4, 5, 6 & 7 and 2 & 3 respectively, no formal notice need to be issued to those respondents.

8. Petitioner shall serve requisite extra copies of this writ petition along with the Annexures appended thereto to Mr. B Choudhury, learned Standing counsel, PWD and Mr. R Barpujari, learned Standing counsel, Finance Department on or before 31.07.2023, obtaining necessary acknowledgment from them in that regard.

9. List accordingly along with WP(C) No. 5368/2021.

JUDGE

Comparing Assistant