

GAHC010150562023



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

Case No. : WP(C)/3959/2023

LAKHESWAR DAS AND 16 ORS
S/O LATE CHANARAM DAS, VILL- SUKLIAPAR, P.O.-PATACHARKUCHI,
DIST- BARPETA, ASSAM, PIN-781326

2: TARUN CHANDRA MAHANTA
S/O LATE MAHESWAR MAHANTA
VILL- LOWPARA
P.O.-BUNPARA
DIST- NALBARI
ASSAM
PIN-781138

3: TIKARAM ADHIKARI
S/O JAGANIDHI ADHIKARI
VILL-SIPARIA
P.O.-SINGRI
DIST-SONITPUR
ASSAM
PIN-784110

4: FULEN SWARGIARY
S/O PRANESWAR SWARGIARI
VILL-GOLAGAON
P.O.-GOLAGAON
DIST- BARPETA
ASSAM
PIN-781327

5: KANAK BAISHYA
S/O LATE FANDRA BAISHYA
VILL-PATACHARKUCHI
P.O.-PATACHARKUCHI
DIST-BARPETA
ASSAM

PIN-781326

6: SURENDRA NATH SARMA
S/O LATE DEBDUTT SARMA
VILL-BARSARKUCHI
P.O.-MILANPUR
DIST-NALABRI
ASSAM
PIN-781337

7: BHADRESWAR DEKA
S/O DHANIRAM DEKA
VILL- CHATABORI GAON
P.O.-BORKULOI
DIST- MORIGAON
ASSAM
PIN-782403

8: BHARAT CH. SARMA
S/O DAMBARUDHAR SARMA
VILL- MOHARCHUK
P.O.-SADAR
DIST- NAGAON
ASSAM
PIN-782001

9: SMT. NAMITA DAS
D/O LATE BIRESH CH. DAS
VILL- KRISHNA NAGAR
P.O.-HOJAI
DIST- NAGAON
ASSAM
PIN-782435

10: BUDHESWAR LAHON
S/O LATE DEBESWAR LAHAN
VILL-HATIBANDHA
P.O.-DOBOKA
DIST-NAGAON
ASSAM
PIN-782440

11: MADHAV CH. SARMA
S/O KAHRGESWAR SARMA
VILL-MAJDIA
P.O.-CHOWK BAZAR
DIST-NALBARI
ASSAM

PIN-781334

12: DIMBESWAR ROY
S/O LATE GOPIRAM ROY
VILL- MOUKHOWA
P.O.-MANIKPUR
DIST- BONGAIGAON
ASSAM
PIN-783392

13: SUDHIR CH. DAS
S/O LATE MONURANJAN DAS
VILL-SUTAR GAON
P.O.-DOBOKA
DIST-NAGAON
ASSAM
PIN-782440

14: MD. AKRAM HUSSAIN LASKAR
S/O ABDUL RAHMAN LASKAR
VILL-RAJYESWARPUR
P.O.-BARBOND
DIST-HAILAKANDI
ASSAM
PIN-788164

15: SMT. SARUMAI BORA
W/O DIMBESWAR BORAH
VILL-KUJARBORI
P.O.-JAMUGURI
DIST-NAGAON
ASSAM
PIN-782142

16: RANJAN BORAH
S/O UMA KANTA BORAH
VILL- BARAHAGI GAON
P.O.-PANIBHARAL
DIST- SONITPUR
ASSAM
PIN-784176

17: MD. HAZARAT ALI
S/O LATE BANU SHEIKH
VILL- LALKURA
P.O.-SAHEBGANJ
DIST- DHUBRI
ASSAM

PIN-78333

VERSUS

THE STATE OF ASSAM AND 13 ORS
REPRESENTED BY ITS SECRETARY TO THE GOVT. OF ASSAM,
ENVIRONMENT AND FOREST DEPARTMENT, DISPUR, GUWAHATI-6

2:PRINCIPAL CHIEF CONSERVATOR OF FOREST AND HEAD OF FOREST
FORCE
ASSAM
PANJABARI-37

3:PRINCIPAL SECRETARY TO THE GOVERNMENT OF ASSAM
FINANCE DEPARTMENT
JANATA BHAWAN
DISPUR
GUWAHATI-06

4:PRINCIPAL ACCOUNTANT GENERAL (A AND E)
ASSAM
BELTOLA TINIALI
GUWAHATI
PIN-781029

5:COMMISSIONER AND SECRETARY
GOVERNMENT OF ASSAM
PENSION AND PUBLIC GRIEVANCE
BLOCK-D
JANATA BHAWAN
DISPUR
GUWAHATI-06

6:DIRECTOR
DIRECTORATE OF PENSION
HOUSEFED COMPLEX
CENTRAL BLOCK
BELTOLA ROAD
HOUSEFED
GUWAHATI-06

7:DIVISIONAL FOREST OFFICER
BARPETA DIVISION
DIST AND P.O.-BARPETA
ASSAM
PIN-781301

8:DIVISIONAL FOREST OFFICER

NALBARI DIVISION
DIST AND P.O.-NALBARI
ASSAM
PIN-781335

9:DIVISIONAL FOREST OFFICER
SONITPUR DIVISION
DIST AND P.O.-SONITPUR
ASSAM
PIN-782123

10:DIVISIONAL FOREST OFFICER
MORIGAON DIVISION
DIST AND P.O.-MORIGAON
ASSAM
PIN-782105

11:DIVISIONAL FOREST OFFICER
NAGAON DIVISION
DIST AND P.O.-NAGAON
ASSAM
PIN-782001

12:DIVISIONAL FOREST OFFICER
BONGAIGAON DIVISION
DIST AND P.O.-BONGAIGAON
ASSAM
PIN-783380

13:DIVISIONAL FOREST OFFICER
HAILAKANDI DIVISION
DIST AND P.O.-HAILAKANDI
ASSAM
PIN-788151

14:DIVISIONAL FOREST OFFICER
DHUBRI DIVISION
DIST AND P.O.-DHUBRI
ASSAM
PIN-78330

Advocate for the Petitioner : MR. B K DAS

Advocate for the Respondent : SC, FOREST

**BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

Date : 17/07/2023

Heard Mr. B. K. Das, learned counsel for the writ petitioners.

The petitioners, who were appointed as Adhoc/Muster Roll workers prior to the year 1993 and have in the meantime retired on attaining the age of superannuation, have approached this Court by filing this writ petition, alleging discrimination due to denial of regularization of their services.

Mr. Das submits that having rendered more than 10(ten) years of continuous service, the writ petitioners were entitled to regularization in service.

Mr. D. Gogoi, learned Standing Counsel, Forest Department, Mr. C.S. Hazarika, learned Additional Senior Government Advocate, Assam and Mr. K.K. Medhi, learned counsel appearing for the AG (A&E), Assam, have questioned the maintainability of the writ petition by submitting that no relief as prayed for in this writ petition, can be granted to the petitioner particularly after they had attained the age of superannuation.

Be that as it may, the issue raised in this writ petition, in the opinion of this Court, would require deeper examination.

As such, issue notice of motion returnable in 8 (eight) weeks.

Since Mr. D. Gogoi, learned Standing Counsel, Forest Department, Assam, has appeared and accepted notice on behalf of the respondent nos. 1, 2 & 7 to 14, Mr. P. Nayak, learned Standing Counsel, Finance Department, Assam, has accepted notice on behalf of the respondent no. 3, Mr. K.K. Medhi, learned counsel has accepted notice on behalf of the respondent no. 4 and Mr. C.S. Hazarika, learned Additional Senior Government Advocate, Assam, has accepted notice on behalf of the respondent nos. 5 and 6, 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 respective learned departmental

counsel within seven days from today, so as to enable them to obtain instruction and file affidavit.

Let this matter be listed again by reflecting the names of learned counsel for the respondents in the cause list.

List accordingly.

JUDGE

sukhamay

Comparing Assistant