

GAHC010179532024



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

Case No. : WP(C)/4446/2024

AJIT DAS AND 9 ORS.

S/O- LATE DINANATH DAS, VILL.- DAPARBATIA, P.S. TEZPUR, P.O.
TEZPUR- 784001, DIST.SONITPUR, ASSAM

2: NARENDRA PRASAD

S/O- LATE BIKRAMA PRASAD
C/O- SHRI GARLABH KAKATI
GOTLONG
GANDHI NAGAR
DOLABARI
P.O. TEZPUR-784001
DIST. SONITPUR
ASSAM

3: ANUP KUMAR METYA

S/O- LATE AJIT KUMAR METYA
C/O- SHRI FARHAN ZAHIR
VILL.- BARIKACHUBURI
NEAR GOLD DIGITAL CINEMA HALL
P.O. TEZPUR-784001
DIST. SONITPUR
ASSAM

4: RENU BORAH

LEGAL REPRESENTATIVE AND W/O- LATE BOKUL BORAH
VILL.- SAMDHARA
KALIABOR
P.O.SILGHAT-784123
DIST. NAGAON
ASSAM

5: DEBEN TALUKDAR

S/O- LATE NAGEN TALUKDAR
HEM NAGAR

RUBBER BAGAN
P.O.TEZPUR-784001
DIST. SONITPUR
ASSAM

6: MONORANJAN MANDAL
S/O- LATE PRABHAT MANDAL
1811
MASJID ROAD
DOLABARI
KALIABHOMORA
P.O. TEZPUR-784027
DIST. SONITPUR
ASSAM

7: RUMI DAS
LEGAL REPRESENTATIVE AND W/O- LATE BANUDHAR DAS
WARD NO. 11
TOLL- KOLIBARI
P.O. TEZPUR - 784001
DIST. SONITPUR
ASSAM

8: ARCHANA BISWAS
LEGAL REPRESENTATIVE AND W/O- LATE KARTICK BISWAS
VILL.- BARIKACHUBURI
JYOTI NAGAR
P.O. TEZPUR-784001
DIST. SONITPUR
ASSAM

9: SARAJIT NAG
S/O- LATE RABINDRA CH. NAG
NEPALI PATTY
NEAR GANESH MILL
P.O. TEZPUR-784001
DIST. SONITPUR
ASSAM

10: BINOY KUMAR NATH
S/O- LATE DEBAN CHANDRA NATH
VILL.- BESSERIA PUKHURIA
P.O. BESSERIA-784150
DIST.SONITPUR
ASSA

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVT. OF ASSAM,
CIVIL SECRETARIAT,P.O. DISPUR, GHY-781006, DIST. KAMRUP(M), ASSAM

2:SPECIAL COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
PUBLIC WORKS (BUILDING AND NH) DEPARTMENT
CIVIL SECRETARIAT
P.O. DISPUR
GHY-781006
DIST. KAMRUP(M)
ASSAM

3:PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM
FINANCE DEPARTMENT
CIVIL SECRETARIAT
P.O. DISPUR
GHY-781006
DIST. KAMRUP(M)
ASSAM

4:CHIEF ENGINEER
PWD BUILDING
ASSAM
GOVT. OF ASSAM
CHANDMARI
GHY-781003
DIST. KAMRUP(M)
ASSAM

5:EXECUTIVE ENGINEER
PWD
TEZPUR ELECTRICAL DIVISION
RUBBER BAGAN
P.O. TEZPUR-784001
DIST. SONITPUR
ASSA

Advocate for the Petitioner : MR P CHOWDHURY, MR. V K CHANDAK,MRS N. AGARWAL
CHANDAK

Advocate for the Respondent : GA, ASSAM, SC, FINANCE,SC, PWD

**BEFORE
HONOURABLE MR. JUSTICE NELSON SAILO**

ORDER

02.09.2024

Heard Mr. P. Chowdhury, learned counsel for the petitioners, who submits that 10 petitioners are before this Court claiming for regularization of the petitioner no.10 and for grant of pensionary benefits to respondent no.1 to 9. He also submits that the petitioner nos.4, 7 & 8 are also represented by their wives, since the employee concerned expired.

The learned counsel submits that the petitioners' case is covered by the Office Memorandum dated 06.09.2003 and although there may be a subsequent decision of the Government banning the Work-charged employees regularization but the fact remains that the case of the petitioners is that they have been left out when similarly situated other persons are given such benefits, who are in fact junior to them. The learned counsel submits that a recommendation for granting the petitioners such benefit was made by the Department as well on 22.06.2018 (Annexure-P8) and also on 15.03.2024 (Annexure-P14). Despite the same since not step has been taken, the petitioners are before this Court.

In view of above, issue Notice of Motion returnable by 4 (four) weeks.

Mr. B. Borpujari, learned Standing Counsel, Finance Department accepts notice on behalf of the respondent no.3, while Mr. R. Dhar, learned Standing Counsel, PWD accepts notice on behalf of the respondent nos.2, 4 & 5. Mr. A. Chakraborty, learned counsel appears on behalf of the respondent no.1.

Since the learned counsels are accepted their notice on behalf of all the respondents, no formal notice is required.

Petitioners are however furnish requisite extra copies of the writ petition to the learned counsels appearing for the respondents within 2 (two) days.

List the matter on 30.09.2024.

Pendency of the writ petition may not be a bar to the respondents to consider the case of the petitioners.

JUDGE

Comparing Assistant