

GAHC010179532024



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

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

1: 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.- SAMDHARAKALIABOR 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
KALIABHOMORAP.O. TEZPUR-784027 DIST. SONITPUR ASSAM

7: RUMI DAS

LEGAL REPRESENTATIVE AND W/O- LATE BANUDHAR DAS WARD NO. 11
TOLL- KOLIBARIP.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 MILLP.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 ASSAM

VERSUS

1: 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 ASSAM

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
HON'BLE MR. JUSTICE SUMAN SHYAM

ORDER

Date : 30-09-2024

Heard Mr. P. Choudhury, learned counsel appearing for the writ petitioners. Also heard Mr. R. Dhar, learned Standing Counsel, PWD, Assam; Mr. A. Chaliha, learned Standing Counsel, Finance Department, Assam and Mr. D. Bora, learned Government Advocate, Assam appearing for the official respondents.

Mr. Dhar submits that the prayer of the petitioner for regularization in service cannot be considered in view of the decision of this Court rendered in the case of ***State of Assam -Vs- Upen Das & Ors.***, reported in ***2020 (5) GLT 605***. However, the learned Standing Counsel, PWD has not denied or disputed the fact that the petitioners would be entitled to the benefit flowing from the judgment rendered in ***Upen Das & Ors.*** (supra).

Mr. P. Choudhury, learned counsel for the petitioners prays for some time to examine the legal issue involved in the matter and address the Court.

As such, on the request of the petitioners' counsel, this writ petition is directed to be posted again on ***18.11.2024***.

JUDGE

Comparing Assistant