

GAHC010203172023



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

Case No. : Cont.Cas(C)/576/2023

BUBUL NATH
S/O LATE RAJEN CH. NATH, R/O VILL- MAJAIRMUKH, P.O.-SRIJANGRAM,
P.S.-ABHAYAPURI, DIST- BONGAIGAON, ASSAM, PIN-783386

VERSUS

JAYANT NARLIKAR, IAS
THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF ASSAM,
FINANCE DEPARTMENT, DISPUR, GUWAHATI-06

2:MR. ALOK KUMAR
IAS
THE CHIEF ELECTORAL OFFICER
ASSAM
DISPUR
GUWAHATI-06.

3:SHRI NAVADEEP PATHAK
ACS
THE DISTRICT COMMISSIONER
BONGAIGAON
DIST.-BONGAIGAON
ASSAM
PIN-783380

Advocate for the Petitioner : MR H TALUKDAR, MR. K D SARMA

Advocate for the Respondent : MR. B GOGOI (r-1), H KULI (R-3),MR. A I ALI(R-3),MR P
NAYAK(r-1),MR A CHALIHA(r-1)

Linked Case : Cont.Cas(C)/329/2024

ISLAMUDDIN AHMED AND 12 ORS
S/O- MD. TAHER ALI

R.O - VILLAGE BELSOR
P.O - BELSOR
P.S - BELSOR
DIST - NALBARI
ASSAM

PRESENTLY WORKING AS CHOWKIDER
CASUAL EMPLOYEE IN THE BARKHETRI ICDS PROJECT
NALBARI

P.O
P.S AND DIST- NALBARI
ASSAM
SINCE 25/9/1990

2: SAYEDUR RAHMAN
S/O- LATE HAIDER ALI

R.O VILLAGE - BELSOR
P.O - BELSOR
P.S - BELSOR
DIST - NALBARI
ASSAM

PRESENTLY WORKING AS CHOWKIDER
CASUAL SINCE 1/8/1990 IN THE O/O THE DSWO

NALBARI.
P.O
P.S AND DIST- NALBARI
ASSAM

3: SAJIBUR RAHMAN BARBHUYAN
S/O- AZIR UDDIN BORBHUYAN

R.O - MAHERPUR
P.O - MAHERPUR
DIST - CACHAR
ASSAM

PRESENTLY WORKING AS SWEEPER
CASUAL SINCE 1/5/1994 IN THE O/O THE DPO

CACHAR.
ENGAGED WITH THE APPROVAL OF THE DIRECTOR OF SOCIAL WELFARE
ON 30/5/1994

4: NARAYAN CHANDRA BARUAH
S/O- LATE KANDARA BARUA

R.O - KANLORA
P.O - BARGHUR
P.S - KOLONI
DIST - NAGOAN
ASSAM

PRESENTLY WORKING AS NIGHT CHOWKIDER
CASUAL SINCE 16/01/1981
IN THE O/O THE DSWO

5: DULAN SUKLABAIDYA
S/O- LATE NANDA SUKLABAIDYA

R.O - JOYPUR
NATUN BAZAR P.O - JOYPUR
RAJBAZAR
DIST - CACHAR
ASSAM

PRESENTLY WORKING AS NIGHT CHOWKIDER
CASUAL IN THE O/O THE RAJABAZAR ICDS PROJECT
CACHAR
SINCE 15/02/1995

6: SMTI SARASWATI RABIDAS
W/O- LASMAN RABIDAS

R.O -PAILAPUR
P.O - PAILAPUR
P.S - LAKHIPUR
DIST - CACHAR
ASSAM

PRESENTLY WORKING AS SWEEPER
CASUAL IN THE O/O THE LAKHIPUR ICDS PROJECT
CACHAR

SINCE 09/08/1991

7: JAKIR HUSSAIN
S/O- LATE ABDUL SATTAR

R.O - VILLAGE SRIKONA
P.O - SRIKONA
P.S - SILCHAR
DIST - CACHAR
ASSAM.

PRESENTLY WORKING AS NIGHT CHOWKIDER
CASUAL SINCE 4/5/1995 IN THE OFFICE OF THE SALCHAPRA ICDS
PROJECT CACHAR
ASSAM

8: SRI BIRESWAR KALITA
S/O- LATE MEGHO RAM KALITA

R.O - UDAYPUR
P.O - JONAI
P.S - JONAI
DIST - DHEMAJI
ASSAM

PRESENTLY WORKING AS CASUAL EMPLOYEE SINCE 2/6/1982 IN THE
OFFICE OF THE MORKONG ICDS PROJECT DHEMAJI
APPROVED BY THE DIRECTOR OF SOCIAL WELFARE
ASSAM

9: RAJKUMAR CHETRI
S/O- LATE MAN BAHADUR CHETRI

R.O - CHANDMARI
P.O - TEZPUR
WARD NO.19
P.S - LALMATI
DIST - SONITPUR
ASSAM

PRESENTLY WORKING AS LOWER DIVISION ASSISTANT CUM TYPIST
(CASUAL) SINCE 27/2/1995 IN THE O/O THE NAWBAICHA ICDS PROJECT
LAKHIMPUR

P.O- NOWBOICHA
DIST- SONITPUR
ASSAM

10: JAGANNATH BAYAN
S/O- LATE BAHADUR BAYAN

R.O - CHAMARIA
P.O - CHAMARIA
P.S - BOKO
DIST - KAMRUP
ASSAM

PRESENTLY WORKING AS GRADE IV CHOWKIDER SINCE 1992 IN THE O/O
THE ICDS PROJECT CHAMARIA

P.O- CHAMARIA

P.S- BOKO
DIST- KAMRUP

11: MD ABUL HUSSAIN SARKAR
S/O- LATE AZIR ALI

R.O - BARKALLAZAR
P.O - BIYASPARA
P.S - CHIPAJHAR
DIST - DARRANG
ASSAM

PRESENTLY WORKING AS CHOWKIDER UNDER THE BAIWADI CENTRE
MANGALDOI

P.O- MANGALDOI
DIST- DARRANG
ASSAM BEING APPOINTED BY THE DIRECTOR SOCIAL WELFARE AND
PROBATION
ASSAM ON CASUAL BASIS VIDE HIS OFFICE ORDER UNDER MEMO NO-
DSW(E)33/63/52-A DATED 2/5/1991

12: SATYABAN DAS
S/O- LATE NAGEN DAS

R.O - CHAMARIA SATRA
P.O- CHAMARIA
P.S - BOKO
DIST - KAMRUP
ASSAM

WORKING AS GRADE IV CHOWKIDER UNDER THE CHAMARIA ICDS

PROJECT
SINCE JANUARY/1992
P.O- CHAMARIA
P.S - BOKO
DIST - KAMRUP
ASSAM

13: JIBESWAR GOGOI
S/O- LATE DHANESWAR GOGOI

R.O - NALOLHOW
P.O - NAOBOISHA
P.S - LAKHIMPUR
DIST - LAKHIMPUR
ASSAM

WORKING AS GRADE IV NIGHT CHOWKIDER WITH GOVT ORDER DATED
20/5/1983.

HIS NAME APPEARS AT SL NO-29 OF THE PROPOSED CHECK LIST
SUBMITTED BY THE DIRECTOR SOCIAL WELFARE
ASSAM TO THE GOVT
ON 8/12/2021
VERSUS

DR RAVI KOTA AND ORS.
THE CHIEF SECRETARY TO THE GOVT. OF ASSAM
DISPUR
GUWAHATI-06

2:SHRI RAHUL CH DAS
THE DIRECTOR
SOCIAL WELFARE AND PROBATION
ASSAM
M.G ROAD
UZAN BAZAR
GUWAHATI - 781001
DIST - KAMRUP (M)
ASSAM

3:SHRI JAYANT NARLIKAR
IAS
THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
FINANCE DEPARTMENT
ASSAM SECRETARIAT
DISPUR
PO ASSAM SACHIVALAYA
GROUND FLOOR

F BLOCK
JANATA BHAWAN
DISPUR
GUWAHATI-6.

Advocate for : MS. S B CHOUDHURY

Advocate for : MR. D NATH (R1-2) appearing for DR RAVI KOTA AND ORS.

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

15.06.2026

Heard Ms. SB Choudhury, learned counsel for the petitioners in Cont.Cas(C) No.329/2024 and Mr. B Gogoi, learned Additional Advocate General, Assam for the finance Department.

Mr. B Gogoi, learned Additional Advocate General, Assam for the finance Department submits that further time is required to take necessary steps for compliance of the directions contained in the order dated 20.02.2023 passed in WP(C) No.5484/2020 as well as interim order dated 19.12.2023 passed in WP(C) No.6832/2022.

Mr. B Gogoi, learned Additional Advocate General, Assam for the Finance Department submits that the matters are to be examined in view of the recent judgment passed by the Apex Court in *Sukhendu Bhattacharjee and Others. Vs. The State of Assam and Others* reported in 2026 INSC 523. It is submitted that

the Department earlier was contemplating to grant benefits in terms of the directions contained in the *State of Assam vs. Upen Das & 836 Others*, 2017 (4) GLR 490 as the name of the writ petitioners were found in a list of 166 Muter Roll Workers by the Scrutiny Committee who are eligible for grant of benefits in terms of the judgment of *Upen Das (supra)*. However, the said judgment has subsequently been interfered by the Apex Court in *Sukhendu Bhattacharjee and Others (supra)*.

In that view of the matter, Mr. B Gogoi, learned Additional Advocate General, Assam submits that the matter be listed after 4 (four) weeks.

Accordingly, list the matters after 4 (four) weeks.

JUDGE

Comparing Assistant