

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 ARUN DEV CHOUDHURY**

ORDER

Date : 24.08.2026

1. Mr. B Gogoi, learned counsel for the respondent No.1 submits that in view of the recent decision of the Hon'ble Apex Court in ***Sukhendu Bhattacharjee Vs. State of Assam***, reported in ***2026 INSC 523***, the competent authorities in the State of Assam are to revisit the policy decision for grant of minimum of scale of pay to the Casual/Muster Roll worker and other similarly situated employees, inasmuch as according to Mr. Gogoi, in Sukhendu Bhattacharjee (supra), the decision rendered in ***The State of Assam Vs. Upen Das & Ors.***, reported in ***2017 0 Supreme (Gau)***, has been interfered with inasmuch as the policy to grant minimum of scale of pay was taken in view of the determination made in Upen Das (supra).

2. The learned counsel for the petitioner, on the other hand, submits that the determination in Sukhendu Bhattacharjee (supra) was made in the context of specific set of employees who were appointed prior to 01.04.1993 and were excluded from the policy decision applied by the State respondents at that point of time. Therefore, employees like the present petitioners, who were employees engaged, post

01.04.1993, cannot be deprived of their rights, more particularly, in view of the determination made in the ***State of Punjab vs. Jagjit Singh***, reported in ***(2017) 1 SCC 148***, they are entitled for the minimum of the pay scale.

3. Be that as it may, as the Government is considering the entire issue of implementation of scheme in view of the decision in Sukhendu Bhattacharjee (supra), the matter stands adjourned and be listed again on 30.09.2026.

JUDGE

Comparing Assistant