

GAHC010216502023



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

Case No. : WP(C)/5659/2023

MS. KIRAN DAS AND 29 ORS
WIFE OF RITESH DAS
VILLAGE - HAJO, PANIPARA,
P.O. - HAJO
PIN - 781102, ASSAM
AGED ABOUT - 41 YEARS

2: ABU TAYEB
SON OF ABDUR RASHID
VILLAGE - MOURIGAON
P.O. - MANDIA
BARPETA
PIN - 781308
ASSAM
AGED ABOUT 43 YEARS

3: HATEM ALI
SON OF LATE SOMER UDDIN
VILLAGE - BALAIPATHAR
P.O. - KALGACHIYA
BARPETA
PIN - 781319
ASSAM
AGED ABOUT 56 YEARS

4: JAYNUDDIN
SON OF LATE INTAZ ALI
VILLAGE - KALGACHIA
P.O. - KALGACHIA
BARPETA
PIN - 781319
ASSAM
AGED ABOUT 35 YEARS

5: JEHERUL ISLAM
SON OF HARANUR ROSHID
VILLAGE- MONAKOSHA

P.O- KALGACHIA
BARPETA
PIN - 781319
ASSAM
AGED ABOUT 49 YEARS

6: SHAZEDA KHATUN
DAUGHTER OF SIKANDAR ALI

VILLAGE- GHUGUBARI

P.O- GHUGUBARI
BARPETA
PIN - 781319
ASSAM
AGED ABOUT 46 YEARS

7: RAMEN KALITA
SON OF LATE PABAN CH. KALITA
VILLAGE- TIHUDEKHATA(HALANA)
P.O- HELANA
BARPETA
PIN- 781375
AGED ABOUT 45 YEARS

8: KABITA DAS
SON OF SHUKLESWAR DAS

VILLAGE- UTTAR BHERBHERI
P.O- BHULUKADOBA
BARPETA
PIN- 781317
AGED ABOUT- 41 YEARS

9: MAJEDA BEGAM
WIFE OF NURUL ISLAM
VILLAGE- KHUDNABARI
P.O- CHUKRUNG BARI
BARPETA
PIN- 781317
AGED ABOUT 43 YEARS

10: SAIFUDDIN
SON OF SEKANDAR ALI

VILLAGE- DUMURIPT. 1
P.O-PIRADHARA
GOALPARA
PIN- 783384
AGED ABOUT 49 YEARS

11: HASAN MINHAZ @ HASAN MINHAZ UDDIN AHMED
SON OF MAFIZUDDIN AHMED
VILLAGE- KHUDRAKHOWA
P.O- SONABARI
BARPETA
PIN- 781321
AGED ABOUT 46 YEARS

12: SAFIQL ISLAM
SON OF AKKAS ALI
VILLAGE- GOBINDAPUR
P.O-SITOLI
BARPETA
PIN- 781308
AGED ABOUT 49 YEARS

13: FIROZA KHATUN
DAUGHTER OF KAZIM UDDIN
VILLAGE- BAGHBAR
P.O- BAGHBAR
BARPETA
PIN- 781308
AGED ABOUT 51 YEARS

14: RAHUL AMIN
SON OF MAFIZUDDIN
VILLAGE- KHUDRAKHUWA
P.O- SATRAKANARA
BARPETA
PIN- 781308
AGED ABOUT 43 YEARS

15: ABDUR RASID
SON OF DILBAR HUSSAIN
VILLAGE- RADHAKUCHI
P.O- RADHAKUCHI
BARPETA
PIN- 781309
AGED ABOUT 46 YEARS

16: SHYAMAL GHOSH
SON OF LATE SURENDRA MOHAN GHOSH

VILLAGE- GHOSHPARA
WARD NO. 2
P.O- BARPETA ROAD
BARPETA
PIN- 781315

17: LAILI KHANDAKAR
WIFE OF ABU BAKKARSIDDIQUE
VILLAGE- NOONMATI
P.O- HOWLY
BARPETA
PIN- 781309
AGED ABOUT 39 YEARS

18: SUBHASH CHANDRA MANDAL
SON OF LATE SAMBHAWCHARANMANDAL.
VILLAGE- KAHARAPATHAR
P.O- KUROBAHA
BARPETA
PIN- 781352
AGED ABOUT 46 YEARS

19: DEVAJIT DAS
SON OF RAMESHWAR DAS
VILLAGE- MAUTOPRI
P.O- HOWLY
BARPETA
PIN- 781316
AGED ABOUT 36 YEARS

20: MAZIBAR RAHMAN
SON OF LATE LAL MAMUD
VILLAGE- GAREMARI HABI
P.O- PALHAZI
BARPETA
PIN- 781309
AGED ABOUT 39 YEARS

21: JAKIR HUSSAIN
SON OF SAMAN UDDIN
VILLAGE- GAREMARIPATHAR
P.O- PALHAZI
BARPETA
PIN- 781309
AGED ABOUT 39 YEARS

22: SAIRUDDIN
SON OF JALAL UDDIN

VILLAGE- GAREMARIPATHAR
P.O- PALHAZI
BARPETA
PIN- 781309
AGED ABOUT 36 YEARS

23: JAHARUL ISLAM
SON OF RAKAUDDIN
VILLAGE- GAREMARI PATHAR
P.O- PALHAZI
BARPETA
PIN- 781309
AGED ABOUT 39 YEARS

24: SAIJUDDIN
SON OF JALAL UDDIN
VILLAGE- GAREMARIPATHAR
P.O- PALHAZI
BARPETA
PIN- 781309
AGED ABOUT 37 YEARS

25: MD. MAMIR UDDIN
SON OF MD. SHUNARUDDIN
VILLAGE- THAR
P.O- PALHAZI
BARPETA
PIN- 781309
AGED ABOUT 39 YEARS

26: KOHINOR KHATUN
WIFE OF TAIZUDDIN
VILLAGE- 2 NO.CHASRA
P.O- SATRAKANARA
BARPETA
PIN- 781308
AGED ABOUT 40 YEARS

27: SMTI. RINA HAMID
WIFE OF NURJAMAL HOQUE
VILLAGE- MANDIA PATHAR
P.O- MANDIA
BARPETA
PIN- 781308
AGED ABOUT 44 YEARS

28: RAFIQUUL ISLAM
SON OF ABDUL BAREK

VILLAGE- FATIGRAH
P.O- KEOTKUCHI
BARPETA
PIN- 781309
AGED ABOUT 36 YEARS

29: AKKAS ALI AHMED
SON OF ABDUL GAFUR
VILLAGE- MOURIGAON
P.O- MANDIA
BARPETA
PIN- 781308
AGED ABOUT 41 YEARS

30: ASHIRAM NESSA
DAUGHTER OF AKTARHUSSAIN
VILLAGE- BHELLA
P.O- BHELLA
BARPETA
PIN- 781308
AGED ABOUT 39 YEAR

VERSUS

THE STATE OF ASSAM AND 2 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, PANCHAYAT AND RURAL DEVELOPMENT
DEPARTMENT, DISPUR, GUWAHATI-781006

2:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
ASSAM
FINANCE DEPARTMENT
ASSAM SECRETARIAT
DISPUR
GUWAHATI-781006

3:THE COMMISSIONER
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT
JURIPAR
PANJABARI
GUWAHATI-37
KAMRUP (M)
ASSA

Advocate for the Petitioner : MR D DEKA, MR N J KUMAR

Advocate for the Respondent : SC, P AND R.D., SC, FINANCE

**BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY**

ORDER

Date : 26.08.2025

1. Heard Mr. D Deka, learned counsel for the petitioners. Also heard Ms. N Bora, learned standing counsel, Panchayat and Rural Development Department, Assam.

2. The claim of the petitioners' is that they are temporary/casual employees working under the Panchayat and Rural Development Department in the district of Barpeta and Kamrup, Assam. It is the case of the petitioners that in terms of the determination made by the Division Bench in ***The State of Assam Vs. Upen Das and Ors, (W.A No.45/2014)***, more particularly in paragraph No.22, the petitioners' are entitled for the benefit of minimum of the scale of pay and other benefits as the said judgment is made applicable to Muster Roll/Work Charged and other similarly placed workers working since more than 10 years (in non sanctioned post).

3. It is the further case of the petitioners that even otherwise the petitioners are entitled to the minimum of scale of pay which is given to the regular government employees in the similar position in terms of the determination made by the Hon'ble Apex Court in ***State of Punjab Vs. Jagjit Singh reported in (2017) 1 SCC 148.***

4. This court under its order dated 23.05.2025 granted

four weeks time to the respondent state to file affidavit in opposition as a last opportunity and also clarified that if no such affidavit is filed by the respondent on or before the next date, the writ petition will be taken up for disposal on the basis of the materials available on record, however, Ms. N Bora, learned Standing counsel, Panchayat and Rural Development Department submits that the Department has entrusted Mr. K Konwar, learned Additional Advocate General to argue in this matter , however, as he is unwell today, he is not in a position to argue this matter and accordingly an adjournment is sought on his behalf.

5. The order dated 23.05.2025 in no un-ambiguity made it clear that the affidavit should be filed by the respondents on or before the date fixed, however, no affidavit has been filed and therefore, in terms of the aforesaid order, this writ petition is to be taken up for disposal on the basis of the materials available on record.

6. Taking note of the grounds cited by the learned standing counsel, Panchayat and Rural Development Department and also the order dated 23.05.2025, this court is of the opinion that an adjournment should be granted today, however, subject to payment of cost of Rs.10,000/- by the Panchayat and Rural Development Department before the Gauhati High Court, Legal Services Authority.

7. Accordingly, the matter stands adjourned and be listed on 04.09.2025. The required affidavit be filed on or before 04.09.2025 and the aforesaid amount be also deposited on or

before the aforesaid date.

8. List accordingly.

JUDGE

Comparing Assistant