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

Case No. : WP(C)/6412/2024

KHAGEN SAIKIA
S/O- LATE NIREN SAIKIA,
R/O- VILL.- TELIA BEBEJIA,
P.O. AND P.S.- JURIA,
DISTRICT- NAGAON, ASSAM,
PIN- 782124.

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM,
WOMEN AND CHILD DEVELOPMENT DEPARTMENT,
DISPUR, GUWAHATI-6.

2:THE SECRETARY TO THE GOVERNMENT OF ASSAM
WOMEN AND CHILD DEVELOPMENT DEPARTMENT
DISPUR
GUWAHATI- 6.

3:THE SECRETARY TO THE GOVT. OF ASSAM
FINANCE DEPARTMENT
DISPUR
GUWAHATI-6.

4:THE DIRECTOR OF WOMEN AND CHILD DEVELOPMENT DEPARTMENT
ASSAM
M.G. ROAD
GUWAHATI-1.

5:THE CHILD DEVELOPMENT PROJECT OFFICER (CDPO)
JURIA

ICDS PROJECT
NAGAON
ASSAM

Advocate for the Petitioner : MR. B CHETRI, MS. D J BORAH

Advocate for the Respondent : GA, ASSAM, SC, FINANCE DEPTT.

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 07.04.2026

1. Ms. U Sharma, Learned Government Advocate, has, on instructions, submitted that, in pursuance to the directions passed by this Court, vide order dated 24.02.2021 in WP(C)/2847/2018, a proposal, for release of minimum scale of pay to the petitioner and 43 (Forty-Three) other similarly situated Muster Roll/Casual employees, were forwarded to the Department of Finance, Assam, for its concurrence, initially, vide an endorsement dated 05.08.2021. However, the same was returned by the Department of Finance, Assam, with some queries. The queries were met and the file was re-endorsed to the Department of Finance, Assam. However, the Department of Finance, Assam, regretted the proposal, vide endorsement dated 07.04.2022. Thereafter, in terms of the instructions received by Ms. U Sharma, Learned Government Advocate, there was no processing of the matter and on 11.01.2025, the Department of Women and Child Development, Assam, had again moved the Department of Finance, Assam, in the matter.
2. After meeting the queries, raised by the Department of Finance, Assam, the proposal was resubmitted again to the Department of Finance, Assam, vide an endorsement dated 16.12.2025, for its concurrence and approval. However, no response was received, thereafter, from the Department of Finance, Assam.
3. Mr. R Borpujari, Learned Standing Counsel, Department of Finance, Assam, submits that the Department of Finance, Assam, is processing the matter for arriving at a decision, whether to grant minimum pay to the petitioners.

4. In view of the directions passed by this Court, vide order dated 24.02.2021 in WP(C)/2847/2018, no authority would now have the jurisdiction to examine the entitlements of the petitioner, to receive the minimum of the scale of pay, prescribed, inasmuch as, the said aspect of the matter, on consideration, was determined by this Court. This Court had also required that the petitioner and other similarly situated persons, be extended with the benefits, w.e.f 01.08.2017.

5. It is seen that the respondents are not diligently processing the matter for compliance of the directions passed, vide the order dated 24.02.2021, and a delay of more than 5 years have occasioned in the matter.

6. As a last chance, the respondents are directed to comply with the directions, passed by this Court, vide the said order dated 24.02.2021, on or before 11.05.2026.

7. In the event the said order is not complied with, the Commissioner & Secretary, Department of Finance, Assam, as well as the Secretary to the Government of Assam, Department of Women and Child Development, Assam, shall appear before this Court on 15.05.2026 at 10:30 AM, to receive further orders, in the matter, from this Court.

8. Registry to list the matter again on 15.05.2026.

JUDGE

Comparing Assistant