

GAHC010129712013



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

Case No. : WP(C)/2194/2013

SAMAN UDDIN LASKAR and 4 ORS
S/O LATE MONIR UDDIN LASAKAR, OF VILL. and P.O. NAGDIR GRAM,
DIST- CACHAR, ASSAM

2: ATAUR RAHMAN LASKAR
S/O LATE ARZAN ALI LASKAR
VILL. and P.O. NORTH NARAINPUR
DIST- HAILAKANDI
ASSAM

3: NOOR ALI LASKAR
S/O LATE HABIB ALI LASKAR
VILL. BAKRIHAWAR
P.O. NORTH NARAINPUR
DIST- HAILAKANDI
ASSAM

4: ASHIK UDDIN BARBHUIYA
S/O LATE LADOMIYA BARBHUIYA
OF VILL. UZANGRAM
P.O. ARUNACHAL
DIST- CACHAR
ASSAM

5: JAHUR UDDIN BARBHUIYA
S/O LATE JABAR ALI BARBHUIYA
VILL. NORTH NARAINPUR-I
P.O. NORTH NARAINPUR
DIST- HAILAKANDI
ASSA

VERSUS

THE STATE OF ASSAM AND 4 ORS

REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, TRANSPORT IWT, DEPARTMENT, DISPUR, GHY-6

2:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
FINANCE DEPARTMENT
DISPUR
GHY-6

3:THE DIRECTOR
INLAND WATER TRANSPORT
ASSAM
ULUBARI
GHY-7

4:THE EXECUTIVE ENGINEER
INLAND WATER TRANSPORT DIVISION
MELA ROAD
MALUGRAM
SILCHAR-2
DIST- CACHAR
ASSAM

5:THE TREASURY OFFICER
SILCHAR
P.O. SILCHAR
DIST- CACHAR
ASSA

Advocate for the Petitioner : MRH I CHOUDHURY, MS L HMAR,MR K KASHYAB,MR. M R CHOUDHURY,MR. K KALITA,MR. B BORAH,MR. I H SAIKIA,MS L HMAR,MR. B BORAH,MR. I H SAIKIA,MR K KASHYAB,MR. K KALITA,MR. M DUTTA (AMICUS CURIAE),MRK UDDIN,DR.B AHMED,MR.S R BARBHUIYA,MR.N HOQUE,MR.S K DEORI,MR A R BHUYAN,MR. M A I HUSSAIN,MR. B U LASKAR,MR. H I CHOUDHURY

Advocate for the Respondent : MR. M R CHOUDHURY, SC, FINANCE,,,SC, IWT,

Linked Case : Cont.Cas(C)/714/2024

SAMAN UDDIN LASKAR AND 4 ORS
S/O LATE MONIR UDDIN LASKAR
R/O VILL AND P.O.-NAGDIR GRAM
DIST- CACHAR
ASSAM

PIN-788121

2: ATARUR RAHMAN LASKAR
S/O LATE ARZAN ALI LASKAR
R/O VILL AND P.O.- NORTH NARAINPUR
DIST- HAILAKANDI
ASSAM
PIN-788801

3: NOOR ALI LASKAR
S/O LATE HABIB ALI LASKAR
R/O VILL- BAKRIHAWAR
P.O.- NORTH NARAIANPUR
DIST- HAILAKANDI
ASSAM
PIN-788801

4: ASHIK UDDIN BARBHUIYA
S/O LATE LADOMIYA BARBHUIYA
R/O VILL- UZANGRAM
P.O.- ARUNACHAL
DIST- CACHAR
ASSAM
PIN-788025

5: JAHUR UDDIN BARBHUIYA
S/O LATE JABAR ALI BARBHUIYA
R/O VILL- NORTH NARAINPUR-I
P.O.-NORTH NARAINPUR
DIST- HAILAKANDI
ASSAM
PIN-788801
VERSUS

ASHUTOSH AGNIHOTIRI
IAS AND 4 ORS
THE COMMISSIONER AND SECRETARY OF THE GOVT. OF ASSAM
TRANSPORT (IWT) DEPARTMENT
DISPUR
GUWAHATI-6

2: JAYANT NARLIKAR
IAS
THE COMMISSIONER AND SECRETARY OF THE GOVT. OF ASSAM
FINANCE DEPARTMENT
DISPUR
GUWAHATI-6

3:MS. SUSHMITA KAKATI
ACS
THE DIRECTOR
INLAND WATER TRANSPORT
ASSAM
ULUBARI
GUWAHATI-7

4:MS. RAJASHRI BORAH
THE EXECUTIVE ENGINEER
INLAND WATER TRANSPORT DIVISION
MELA ROAD
MALUGRAM
SILCHAR-2
DIST- CACHAR
ASSAM
PIN-788001

5:SAMIM AKHTAR
THE TREASURY OFFICER
SILCHAR
P.O.-SILCHAR
DIST- CACHAR
ASSAM
PIN-788001

Advocate for : MR. I H SAIKIA
Advocate for : MS. M D BORAH(R-3) appearing for ASHUTOSH AGNIHOTIRI
IAS AND 4 ORS

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

14.05.2026

Heard Mr. I. H. Saikia learned counsel for the petitioners. Also heard Mr. P. Nayak, learned Additional AG.

2. The claim of the writ petitioner is for release of arrear salary from the months in which they claim to have been regularized as also a challenge made to the Office Memorandum dated 16th of June, 2012. In the earlier hearings

before the Court, the learned counsel for the petitioner submitted that their prayer for setting aside and quashing of the O.M. dated 16th of June, 2012 (Annexure-23, page No. 126 of the writ petition) is not pressed. The current prayer before this Court is for a direction to approve the proposal of the IWT Department for correction of the anomalies towards regularization of the services of the writ petitioners and for release of the monthly salary including arrear salary of the writ petitioners with effect from the date of their regularizations.

3. During the course of the hearing, it has come to a notice of the Court a communication dated 19th November, 2008 issued by the Director of IWT, Ulubari to the Treasury Officer, Cachar, Silchar requesting the Treasury Officer for release and for acceptance of the monthly pay bills of the employees without raising any objections. In the said communication, there is a categorical statement that the detailed incumbency list of the newly regularized M. R. employees of 1422 numbers of posts on the basis of which the Finance (EC-III) Department had given their concurrence for the reference. The said letter also encloses the list of regular employees category wised, regularized from muster roll under Inland Water Transport, Assam. According to the learned counsel for the petitioner, except the name of Petitioner No. 1, the names of the other petitioners are reflected in the said list.

4. Per contra, Mr. P. Nayak, learned Additional AG submits that the position on facts reflected by this communication is incorrect and not in conformity with the records. He submits that if permitted, then he will produce the original list of work charged and muster roll workers approved by the Finance Department in respect of IWT for the purposes of regularization, and wherein he submits that the names of the writ petitioners were never included. He prays for 3 (three)

weeks time to place the original records before the Court in respect of the said documents.

5. Accordingly, list this matter on 04.06.2026.

JUDGE

Comparing Assistant