

GAHC010278312025



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

**Case No. : WP(C)/7262/2025**

BIRAJ DAS AND 6 ORS  
S/O LATE DEBEN DAS, VILL.-MADHAPUR, P.O.-ARIKUCHI, P.S.-  
MUKALMUWA, DISTRICT- NALBARI, PIN-781339. (ENGAGED AS GRADE-IV  
FIXED PAY EMPLOYEE SINCE 2006).

2: RITUMANI DAS  
S/O SURENDRA NATH DAS  
VILL.-KHEILAPARA  
P.O.-BHATTAPARA  
P.S.- AZARA  
DIST.-KAMRUP (M)  
PIN-781 017 (ENGAGED AS GRADE-IV FIXED PAY EMPLOYEE SINCE 2007)

3: SMTI RUNUMI KAKATI  
D/O KAMINI MOHAN KAKATI  
VILL.-2 NO. GORESWAR  
P.O. AND P.S.-GORESWAR  
PIN-781366  
DIST. BAKSA  
ASSAM. (ENGAGED AS GRADE-IV FIXED PAY EMPLOYEE SINCE 2009).

4: RAMESWAR DEKA  
S/O LATE SASANDRA DEKA  
LICHU BAGAN  
HENGRABARI  
GUWAHATI. (ENGAGED AS GRADE-IV FIXED PAY EMPLOYEE SINCE 2010).

5: SUNANDA DAS  
S/O HARESWAR DAS  
VILL.-BORGAON  
P.O.-DORAKHARA  
P.S.-KAMALPUR  
DISTRICT- KAMRUP (M)  
PIN-781 101. (ENGAGED AS GRADE-IV FIXED PAY EMPLOYEE SINCE 2009)

6: SMTI NILIMA KHATOON  
W/O MD. MAJIBUR RAHMAN  
VILL.-BONGAON  
P.O. AND P.S.-RANGIA  
DIST.-KAMRUP  
PIN-781354. (ENGAGED AS GRADE-IV FIXED PAY EMPLOYEE SINCE 2011).

7: NITUMONI BEZBARUA  
S/O LATE LAKSHMI BEZBARUAH  
P.O. AND P.S.-NOONMATI  
DISTRICT- KAMRUP (M)  
BYE LANE NO. 12  
HOUSE NO. 5  
PIN-781020. (ENGAGED AS GRADE-IV FIXED PAY EMPLOYEE SINCE 2009)

VERSUS

THE STATE OF ASSAM AND 3 ORS  
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE  
GOVERNMENT OF ASSAM, SECRETARIAT ADMINISTRATION (NAZARAT)  
DEPARTMENT, DISPUR, GUWAHATI- 781006, DIST.- KAMRUP (M), ASSAM.

2:THE STATE OF ASSAM  
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE  
GOVERNMENT OF ASSAM  
FINANCE (EC-II) DEPARTMENT  
DISPUR  
GUWAHATI 781006  
DIST.-KAMRUP (M)  
ASSAM

3:THE STATE OF ASSAM  
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE  
GOVERNMENT OF ASSAM  
GENERAL ADMINISTRATION (SECRETARIAT NAZARAT) DEPARTMENT  
DISPUR  
GUWAHATI- 781006  
DIST.-KAMRUP (M)  
ASSAM

4:THE DEPUTY SECRETARY TO THE GOVERNMENT OF ASSAM  
FINANCE (ESTT-B) DEPARTMENT  
DISPUR  
GUWAHATI-781006  
DIST.-KAMRUP (M)  
ASSA

**Advocate for the Petitioner** : MR. N N B CHOUDHURY,

**Advocate for the Respondent** : SC, GAD,

**BEFORE  
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

**ORDER**

**17.12.2025**

Heard Mr. N.N.B. Choudhury, learned counsel for the petitioners. Also heard Mr. A Phukan, learned Standing Counsel, GAD and Mr. B Gogoi, learned Additional Advocate General, Assam.

The petitioners before this Court are aggrieved by the order dated 14.11.2025, whereby the Department although has agreed for enhancement of the remuneration to 16,400/- per month for fixed pay employees such as the writ petitioners but the same is subject to furnishing an undertakings from these petitioners to the effect that they will not, at any time in future will claim regularization of their services. The petitioners before this Court are Grade-IV employees on fixed pay basis in the Office of the Assam Secretariat. They are currently earning a fixed pay of Rs.9,000/- (Nine Thousaand) per month and which in terms of the policy decision taken by the Government has been revised to Rs.16,400/- per month. However, the petitioners are aggrieved that the said amount will be payable to them only upon furnishing an undertaking by them to the effect mentioned in the order dated 14.11.2025 and pursuant to the said order dated 14.11.2025 consequential orders have been issued and a form of undertaking has also been circulated. The claims of the writ petitioners are that on the same date i.e. 14.11.2025 Muster Roll, Casual Fixed Pay and other similarly placed workers engaged prior to the AFRBM period have been given

the benefit as directed in the judgment of "*State of Assam Vs. Shri. Upen Das*" reported in *2020 (5) GLT 605*, whereby those employees are being granted the minimum of pay scale including dearness allowance, medical allowance annual increment and House Rent Allowances. The petitioners, therefore, are aggrieved that although the petitioners are similarly situated employees like the employees who have been granted the benefits under *Upen Das (supra)*, however, insistence on the undertakings by the respondents from the petitioners, in order to make them eligible for grant of enhanced pay has the effect of depriving them from the benefits to which they are otherwise entitled to in terms of the judgment and order rendered in *Upen Das (Supra)*.

The learned counsel for the petitioners, therefore, submits that the respondent Department be directed to grant the enhanced pay without insisting the undertaking.

Mr. B Gogoi, learned Additional Advocate General, Assam, submits that this is a policy decision of the State. The writ petitioners will be granted the enhanced pay only upon furnishing the undertaking.

Taking into consideration the submissions made by the learned counsel for the parties, issue Notice, returnable by 4 (four) weeks.

Since Mr. B. Gogoi, learned Additional Advocate General, Assam and Mr. A Phukan, learned Standing Counsel, GAD represents all the respondents, notices are waived. However, extra copies be furnished to them within 3 (three) working days from today.

The respondents will ensure that the writ petitioners are granted enhanced pay and if any undertaking as insisted are executed by the writ

petitioners, the same shall not preclude the claims raised and urged in the present writ petition.

List the matter again on 30.01.2026.

**JUDGE**

**Comparing Assistant**