

GAHC010005452020



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

Case No. : WP(C)/201/2020

ABDUL HASIM LASKAR
S/O LT. HAZI HASON ALI LASKAR, VILL. AND P.O. RUPCHERRA BASTI, P.S.
KATLICHERRA, DIST. HAILAKANDI, ASSAM

VERSUS

THE STATE OF ASSAM AND 6 ORS.
TO BE REP. BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM,
PANCHAYAT AND RURAL DEVELOPMENT DEPTT. DISPUR, GUWAHATI-6

2:THE COMMISSIONER
PANCHAYAT AND RURAL DEVELOPMENT DEPTT. JURIPAR
PANJABARI
GUWAHATI-37

3:THE DEPUTY COMMISSIONER
HAILAKANDI
P.O. AND P.S. HAILAKANDI
DIST. HAILAKANDI
ASSAM
PIN-788163

4:THE CHIEF EXECUTIVE OFFICER
HAILAKANDI ZILLA PARISHAD P.O. AND P.S. HAILAKANDI
DIST HAILAKANDI
ASSAM PIN-788163

5:THE BLOCK DEVELOPMENT OFFICER
KATICHERRA DEVELOPMENT BOLCK
P.S. KATICHERRA
DIST. HAILAKANDI
ASSAM

PIN-788161

6:THE PRESIDENT
SONACHERRA ROOPACHERRA GAON PANCHAYAT
P.O. ROOPCHERRA BASTI
PS. KATICHARRA
DIST. HAILAKANDI
ASSAM
PIN-788161

7:THE SECRETARY
SONACHERRA ROOPACHERRA GAON PANCHAYAT
P.O. ROOPCHERRA BASTI
PS. KATICHARRA
DIST. HAILAKANDI
ASSAM
PIN-78816

Advocate for the Petitioner : MR. A M S MAZUMDER

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

21/07/2023

Heard Mr. A. M. S. Mazumder, learned counsel for the petitioner. Also heard Mr. N. K. D. Nath, learned standing counsel, P & RD department.

2. This writ petition has been filed by the petitioner praying for a direction to regularize the services of the petitioner, who is working as a Peon-cum-Chowkidar in the office of the Sonacherra Roopacherra Gaon Panchayat under Katlicherra Development Block of Hailakandi District.

3. It is submitted that the petitioner was engaged as a Peon-cum-Chowkidar in the office of the Sonacherra Roopacherra Gaon Panchayat under Katlicherra Development Block of Hailakandi District on 27.03.1993 by the

President of said Gaon Panchayat and since his date of appointment the petitioner has been rendering his services with full satisfaction of all concerned. However, the services of the petitioner have not yet been regularised. He seeks appropriate directions to the respondent authorities to regularise his services.

4. Being aggrieved the present writ petition has been filed.

5. Notice in the matter was issued by this Court as far back as 10.01.2020.

6. The respondent department was granted opportunities on several occasions to obtain necessary instructions in respect of the averments made in the writ petition. On 07.12.2022, this Court had directed that if the P & R.D Department does not file their affidavit or furnish instructions to the learned standing counsel for P & R.D Department as sought for then the personal appearance of Joint Secretary to the Government of Assam P & RD Department will be ordered.

7. Today when the matter was called up Mr. N. K. D. Nath, learned standing counsel, P & RD department has placed before the Court a copy of the instructions received from the department.

8. In terms of the instructions received, it is seen that the Commissionerate of Panchayat and Rural Development has already issued instructions to the Chief Executive Officers of all Zila Parishad for re-examining of the list of Pre-AFRBM casual workers as per the list enclosed including Hailakandi Zila Parishad. In the said list relating to Hailakandi Zila Parishad the name of the petitioner was appeared at serial No.1. Thereafter, the Chief Executive Officers of all Zila parishads including the Hailakandi Zila Parishad have been directed to submit proposals for grant of minimum scale of pay in

terms of the directions of this Court vide order dated 08.06.2017 passed in Writ Appeal No. 45/2014. It is further mentioned in the said letter/communication that no new proposals have been received by the Administrative Department for grant of minimum scale of pay to the Muster Roll/Work Charged/Casual and other similarly placed workers who were appointed prior to AFRBM period/post AFRBM period.

9. Upon perusal of the instructions as placed by the learned standing counsel, this Court is of the view that since the department has already issued instructions to the respective Chief Executive Officers of the Zila Parishad, the writ petition can be closed with a direction to the respondent No.4, Chief Executive Officer, Hailakandi Zila Parishad to examine the matter and submit a proposal as called for by the Commissionerate of Panchayat and Rural Development for grant of minimum wages in terms of the order dated 08.06.2017 passed in Writ Appeal No. 45/2014 in respect of the petitioner and other similarly situated persons.

10. These particulars upon due verification should be forwarded to the Commissionerate of Panchayat and Rural Development within a period of 30 (thirty) days from the date of receipt of certified copy of this order. The Panchayat and Rural Development department upon receipt of such proposals from the Chief Executive Officer of Zila Parishad will thereafter process the same expeditiously and release the minimum wages as applicable in terms of the order dated 08.06.2017 passed in Writ Appeal No. 45/2014 if found eligible.

11. The Commissioner will thereafter proceed to forward their proposals and process the release of minimum wages within a further period of 90 days from the date of receipt of the proposals from the Chief Executive Officer.

12. Writ petition stands disposed of in terms of the above.

JUDGE

Comparing Assistant