

GAHC010026892023



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

Case No. : WP(C)/907/2023

SHAHENARA BENUN AND 18 ORS

W/O- ALOM KHAN, AGED ABOUT 48 YEARS, R/O VILLAGE SUNDARPARA
PT-I, P.O- JAMADARHAT, P.S FAKIRGANJ, DIST. DHUBRI, ASSAM. PIN-
783330.

2: JEL HOQUE

S/O LT. SHIRAM UDDIN R/O VILLAGE TARANGAJHAR
P.O- JAMADARHAT
P.S FAKIRGANJ
DIST. DHUBRI
ASSAM. PIN-783330

3: NUR BHANU

W/O- HOBIBAR RAHMAN
R/O VILLAGE MOIRAKUCHI PT-I
P.O- AIRKATA
P.S FAKIRGANJ
DIST. DHUBRI
ASSAM. PIN-783330

4: SOFIA SULTANA

W/O- HOBIBAR RAHMAN
AGED ABOUT 48 YEARS
R/O VILLAGE DINGDINGA
P.O- CHIRAKUTI
P.S FAKIRGANJ
DIST. DHUBRI
ASSAM. PIN-783330

5: MOHAMMAD SOKER

S/O- LATE FOZOR ALI
AGED ABOUT 49 YEARS
R/O VILLAGE GODAIRVITA
P.O- MEDORTARY

P.S FAKIRGANJ
DIST. DHUBRI
ASSAM. PIN-783330

6: KABEL KAZI
S/O- LATE HAKIM KAZI
AGED ABOUT 55 YEARS
R/O VILLAGE PRAVITA
P.O- JAMADARHAT
P.S FAKIRGANJ
DIST. DHUBRI
ASSAM. PIN-783330

7: MAYURI KHATUN
W/O- MADARI SK
AGED ABOUT 43 YEARS
R/O VILLAGE AND
P.O- MEDORTARY
P.S FAKIRGANJ
DIST. DHUBRI
ASSAM. PIN-783330

8: ROMISA KHATUN BIBI
W/O- JUL MOHAMMAD SK
AGED ABOUT 51 YEARS
R/O VILLAGE JHALER ALGA PT-I
P.O- SOUTH GERAMARI
P.S GOURIPUR
DIST. DHUBRI
ASSAM. PIN-783331

9: AHAD ALI SK
S/O- LATE NOWSHAD ALI SK
AGED ABOUT 54 YEARS
R/O AND P.O- ALOMGANJ
P.S GOURIPUR
DIST. DHUBRI
ASSAM. PIN-783331

10: FIROZA BEGUM
W/O- LUTFOR RAHMAN
AGED ABOUT 53 YEARS
R/O VILLAGE MATIABUG
P.O- AND P.S GOURIPUR
DIST. DHUBRI
ASSAM. PIN-783331

11: USUFA KHATUN

W/O- FOMIR UDDIN SK
AGED ABOUT 54 YEARS
R/O VILLAGE GERAMARI PT-I
P.O- GERAMARI
P.S GOURIPUR
DIST. DHUBRI
ASSAM. PIN-783331

12: ZAKIR HUSSAIN
S/O- ABDUS SAMAD SK
AGED ABOUT 43 YEARS
R/O AND P.O- TISTARPAR
P.S AND DIST. DHUBRI
ASSAM. PIN-783324

13: RUBINA KHATUN
W/O- ROFIQUL HOQUE
AGED ABOUT 31 YEARS
R/O VILLAGE SASTARGHAT PT-II
P.O- PATAMARIT
P.S AND DIST. DHUBRI
ASSAM. PIN-783324

14: WAHIDA PARVIN
W/O- NAIB ALI
AGED ABOUT 35 YEARS
R/O VILLAGE GASPARA
P.O- DHARMASALA
P.S AND DIST. DHUBRI
ASSAM. PIN-783324

15: MOSLEMA BIBI
W/O- JOYNAL ABEDIN
AGED ABOUT 50 YEARS
R/O VILLAGE ADABARI PT-I
P.O- SAGALCHARA
P.S AND DIST. DHUBRI
ASSAM. PIN-783324

16: MOINUL HOQUE BEPARI
S/O- LATE PADU SK BEPARI
AGED ABOUT 49 YEARS
R/O VILLAGE BINNACHARA PT-II
P.O- BALADOBA
P.S GOLAKGANJ
DIST. DHUBRI
ASSAM.

17: ALTAF HUSSAIN
S/O- AKBAR ALI
AGED ABOUT 45 YEARS
R/O VILLAGE CHAGALCHAR PT-I
P.O- HOWRARPARA
P.S AND DIST. DHUBRI
ASSAM. PIN-783324

18: MONOWARA BIBI
W/O- SHAHJAHAN ALI
AGED ABOUT 50 YEARS
R/O VILLAGE KALAPAKNI PT-II
P.O- PATAMARI
P.S AND DIST. DHUBRI
ASSAM. PIN-783324

19: JAHIDA BEGUM
W/O- SAHABUL ALOM
AGED ABOUT 32 YEARS
R/O VILLAGE BORBILA PT-I
P.O- HOWRARPAR
P.S AND DIST. DHUBRI
ASSAM. PIN-783324

VERSUS

THE STATE OF ASSAM AND 7 ORS
TO BE REPRESENTED BY THE PRINCIPAL SECRETARY TO THE
GOVERNMENT OF ASSAM, PANCHAYAT AND RURAL DEVELOPMENT
DEPARTMENT, ASSAM, DISPUR, GUWAHATI-6

2:THE COMMISSIONER AND SECRETARY
TO THE GOVERNMENT OF ASSAM
FINANCE DEPARTMENT
ASSAM
DISPUR
GUWAHATI-6.

3:THE COMMISSIONER
PANCHAYAT AND RURAL DEVELOPMENT
ASSAM PANJABARI
JURIPAR
GUWAHATI-37.

4:THE DEPUTY COMMISSIONER
DHUBRI
P.O- DHUBRI
DIST- DHUBRI

ASSAM. PIN- 783301.

5:THE CHIEF EXECUTIVE OFFICER
DHUBRI ZILA PARISHAD
DHUBRI
P.O AND DIST- DHUBRI
ASSAM. PIN-783301.

6:THE JAMADARHAT ANCHALIK PANCHAYAT
REPRESENTED BY EXECUTIVE OFFICER CUM BLOCK DEVELOPMENT
OFFICER
JAMADARHAT DEVELOPMENT BLOCK
P/O- JAMADARHAT
DIST- DHUBRI
ASSAM.

7:THE DEBITOLA ANCHALIK PANCHAYAT
REPRESENTED BY EXECUTIVE OFFICER CUM BLOCK DEVELOPMENT
OFFICER
DEBITOLA DEVELOPMENT BLOCK
P/O- ODALBAKRA
DIST- DHUBRI
ASSAM.

8:THE GOURIPUR ANCHALIK PANCHAYAT
REPRESENTED BY EXECUTIVE OFFICER CUM BLOCK DEVELOPMENT
OFFICER
GOURIPUR DEVELOPMENT BLOCK
P/O- GOURIPUR
DIST- DHUBRI
ASSAM

Advocate for the Petitioner : M. HOSSAIN

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

BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM

ORDER

11.08.2023

Heard Mr. M. Hussain, learned counsel for the petitioners. Also heard Mr. P.

Handique, learned Standing Counsel, P & RD Department, Assam appearing for

the respondent Nos.1, 3 and 5 to 8, Mr. B.Gogoi, learned Standing Counsel, Finance Department, Assam appearing for respondent No.2 and Mr. N. Goswami, learned Govt. Advocate, Assam appearing for the respondent No.4. The writ petitioners herein have joined together to approach this Court by filing the instant writ petition *inter-alia* contending that they have not been paid remuneration for the duties rendered by them as President and Vice-President of Anchalik Panahayat.

Mr. Hussain submits that the petitioners' case is covered by the judgment and order dated 04.01.2023 passed by the learned Single Judge of this Court in WP(C) No.3662/2018 and the batch of connected writ petitions and therefore, the instant writ petition be also disposed of in the light of the said judgment.

The learned departmental counsel have also submitted that the instant case is covered by the earlier decision of this Court and therefore, the writ petition be disposed of accordingly.

Mr. B. Gogoi, learned Standing Counsel, Finance Department, however, submits that the respondents be directed to verify the claim of each of the petitioners before initiating the steps for release of their remuneration.

By taking note of similar grievance expressed by the petitioners in WP(C) No.3662/20-18 and the batch of connected writ petitions, the learned Single Judge had passed the judgment and order dated 04.01.2023 by making the following observations :-

“39. Under such circumstances, this Court, therefore, directs the State of Assam, and more particularly, the Principal Secretary to the Government of Assam, Panchayat and Rural Development Department to verify the claims of the petitioners as regards their respective

entitlements only in so far as the quantum is concerned and upon verification, to make payment to the petitioners as per their entitlement. For the purpose of making payment, if there is requirement to take necessary concurrence from the other authorities like the Finance Department, the Principal Secretary to the Government of Assam, Panchayat and Rural Development Department shall do the needful.

40. The Commissioner and Secretary to the Government of Assam, Finance Department shall also do the needful so that the entitlements of the petitioners are paid by according necessary approval and releasing funds. It is made clear that the directions passed herein are directions upon the State Government to pay dues to the petitioners in the batch of writ petitions. It shall be the collective responsibility of the State Government to see to it that the dues of the petitioners are released to them within the time stipulated herein under.

41. Taking into account the decision taken in the review meeting on 06.06.2021 by the Chief Minister of Assam, the Government of Assam would be at liberty to pay the entitlement to the petitioners at one go or in installments as per the administrative and financial convenience.

42. It is, however, made clear that the entire exercise has to be done by the State Government in its Departments to make payment to the petitioners within a period of 6 (six) months from the date copy of the instant judgment is served upon the Principal Secretary to the Government of Assam, Panchayat and Rural development Department and the Commissioner & Secretary to the Government of Assam, Finance Department with their respective claims.

43. *With the above observations and directions, the batch of writ petitions stand disposed of."*

In view of the stand taken by the learned counsel for the respondents, this writ petition is also disposed of by providing that the petitioners' cases be also processed in the light of the judgment and order dated 04.01.2023 and their unpaid dues be released upon due verification of the claim of each of the petitioners.

With the above observation, the writ petition stands closed.

JUDGE

Comparing Assistant