

GAHC010035282023



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

Case No. : Review.Pet./30/2023

THE STATE OF ASSAM AND 3 ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, SOIL CONSERVATION DEPARTMENT, DISPUR GUWAHATI- 6,
DIST.- KAMRUP (M), ASSAM.

2: THE ADDITIONAL CHIEF SECRETARY
GOVT. OF ASSAM
SOIL CONSERVATION DEPARTMENT
DISPUR
GUWAHATI 6
KAMRUP (M)
ASSAM.

3: THE DIRECTOR OF SOIL CONSERVATION
ASSAM
BHUMI SANGRAKHAN BHAWAN
R.G. BARUAH ROAD
GUWAHATI- 5
DIST.- KAMRUP (M)
ASSAM.

4: THE DIVISIONAL OFFICER
GOLAGHAT SOIL CONSERVATION DIVISION
GOLAGHAT
DIST.- GOLAGHAT
ASSAM

VERSUS

GOBIN BORA
S/O SRI PURNA BORA VILLAGE HOLLOW GAON PO KHONGIA, PS
DERGAON, DIST GOLAGHAT, ASSAM 785614, WORKING AS TYPIST CUM
COMPUTER ASSISTANT IN THE OFFICE OF THE DIVISIONAL OFFICER,
SOIL CONSERVATION DEPARTMENT, GOLAGHAT.

Advocate for the Petitioner : MRS. R S DEURI

Advocate for the Respondent : FOR CAVEATOR

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

Date : 25-07-2023

Heard Mrs. RS Deuri, learned counsel for the review petitioners. Also heard Ms. NS Thakuria, learned counsel for the respondent.

2. The counsel for the review petitioners submits that the order dated 16.09.2022 passed in WP(C) No. 5290/2020 needs to be interfered with, in view of the fact that the writ petitioner has been referred to as a Muster Roll worker in the impugned order, which was made on the basis of the State Government/ review petitioners having referred to the writ petitioner as a Muster Roll worker in the affidavit-in-opposition filed in the writ proceedings. She submits that a mistake has been made on the part of the review petitioners, as the writ petitioner is actually a daily wage worker and not a Muster Roll worker. She accordingly prays that a correction be made in the impugned Order, by referring to the writ petitioner as a daily wage worker and not a Muster Roll worker. She further submits that the correction sought for by the review petitioners would not affect the direction passed in the impugned order, for providing the minimum scale of pay to the writ petitioner, even if the writ petitioner is referred to as a daily wage worker.

3. Ms. NS Thakuria, learned counsel for the respondent submits that she has no objection to the prayer made by the review petitioners' counsel, so long

as the writ petitioner is given the minimum scale of pay.

4. On considering the submissions made by the counsels for the parties, this Court is of the view that the review petition should be allowed, inasmuch as the petitioner is a daily wage worker and not a Muster Roll worker, as has been mistakenly referred to by the review petitioners in the writ petition. The above being said, para 22 of the Judgment and Order dated 08.06.2017, passed in WA No. 45/2014, had directed the State Government to pay the minimum of the pay scale to Muster Roll workers, work charged workers and similarly placed employees, working since the last more than 10 (ten) years (not in sanctioned post) w.e.f. 01.08.2017. As similarly placed employees mentioned in para 22 of the Judgment and Order dated 08.06.2017, passed in WA No. 45/2014 would also include the writ petitioner, as has been submitted by the learned counsel for the review petitioners, this Court directs the State respondents to pay to the writ petitioner the minimum scale of pay, as provided in the Office Order No. 200 dated 07.11.2019 issued by the Director, Soil Conservation, Assam and the subsequent revision of the said pay scale in terms of the Office Order No. 200 dated 07.11.2019.

5 The pay/arrear pay should be released to the writ petitioner within a period of 2 (two) months, from the date of receipt of a certified copy of this order.

6. The review petition is accordingly allowed and disposed of.

JUDGE

Comparing Assistant