

GAHC010048292017



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

Case No. : WP(C)/6802/2017

KISHOR KUMAR and 11 ORS.
S/O DHANI RAM KUMAR R/O HENGRABARI, LICHUBAGAN, DIST.
KAMRUP M, P.O. HENGRABARI, PIN - 781036 AND PRESENTLY SERVING AS
INSTRUCTOR WOOD AND CRAFT, SOCIAL WELFARE DEPARTMENT.

2: SMT. BARNALI DAS
D/O GAJEN CHANDRA DAS R/O ADARANI PATH
NEAR HOSPITAL GATE
EAST GITANAGAR
GUWAHATI - 781020
AND PRESENTLY SERVING AS INSTRUCTRESS KNITTING AND
EMBROIDERY
SOCIAL WELFARE DEPARTMENT.

3: SRI INDRA PRASAD BORA
S/O BASUNDHAR NATH BORA R/O VILL- SATGHARIA
TRINAYANPUR
P.O. and P.S. SIPAJHAR
DIST. DARRANG
PIN - 784145
AND PRESENTLY SERVING AS JUNIOR ASSISTANT HEADQUARTER
SOCIAL WELFARE DEPARTEMNT.

4: SRI JWNGSHAR R AMCHIARY
S/O THANESWAR BORO R/O VILL- TARANPUR
P.O. DIGHELI
DIST. NALBARI
PIN - 781371
AND PRESENTLY SERVING AS JUNIOR ASSISTANT HEAD QUARTER
SOCIAL WELFARE DEPARTMENT.

5: SRI BHASKAR BORAH
S/OLT. BHUPEN BORAH R/O FLAT NO. 303
NILACHAL ENCLAVE

NILACHAL PATH
B.N. SAIKIA ROAD
SURVEY
BELTOLA GUWAHATI
PIN - 781028
AND PRESENTLY SERVING AS JUNIOR ASSISTANT HEAD QUARTR
SOCIAL WELFARE DEPARTMENT.

6: MD. KALPANA MAHANTA
D/O SAMBHU MAHANTA R/O HOUSEN O.1
LALMATI SARBODAY NAGAR
BARSAJAI
GUWAHATI - 781028
AND PRESENTLY SERVING AS JUNIOR ASSISTANT HEADQUARTER
SOCIAL WELFARE DEPARTMENT.

7: DR. RIJUMANI SARMA
D/O LT. KHITESWAR SARMAH R/O WARD NO. 1
RAJA GAON
P.O. and P.S. MORIGAON
DIST. MORIGAON
PIN - 782105
AND PRESENTLY SERVING AS JUNIOR ASSISTANT HEADQUARTER
SOCIAL WELFARE DEPARTMENT.

8: SMT. JULI SARMA
D/O SRI PRABHAT SARMA R/O LATAKATA
NEAR SHIVA MANDIR
P.O. and P.S. BASISTHA
GUWAHATI
PIN- 781029
AND PRESENTLY SERVING AS SUPERVISOR REGULAR
SOCIAL WELFARE DEPARTMENT.

9: SYEDA TASNIM ARA
D/O SYED ESKE ALAM R/O JENKINS ROAD
TEZPUR
DIST. SONITPUR
PIN- 784001. AND PRESENTLY SERVING AS SUPERVISOR REGULAR
SOCIAL WELFARE DEPARTMENT.

10: SMT. MANIKA MAZUMDAR
D/O LT. DHARANI DHAR MAZUMDAR R/OC/O SATYENDRA MAZUMDAR
VILL- BHADRA
P.O. BHADRA
DIST. NALBARI
PIN - 781335
AND PRESENTLY SERVING AS SUPERVISOR REGULAR SOCIAL WELFARE

DEPARTMENT.

11: SMT. BHANITA CHOUDHURY
D/O LT. ARABINDA DAS R/O C/O SIMANTA PRADIP CHOUDHURY
BARPETA ROAD
MILAN NAGAR
DIST. BARPETA
P.O. SIMALAGURI
PIN - 781313
AND PRESENTLY SERVING AS SUPERVISOR REGULAR
SOCIAL WELFARE DEPTT.

12: SMT. RIJUMANI DAS
D/O SRI KALIMAN DAS R/O VILL- NABHETI
NEAR SHIV MANDIR WARD NO. 10
MORIGAO
PIN - 782105
AND PRESENTLY SERVING AS SUPERVISOR REGULAR
SOCIAL WELFARE DEPARTMENT

VERSUS

THE STATE OF ASSAM and 3 ORS.
REP. BY THE ADDITIONAL CHIEF SECRETARY TO THE GOVT. OF ASSAM,
SOCIAL WELFARE DEPARTMENT, ASSAM SECRETARIAT, DISPUR,
GUWAHATI-6.

2:THE COMMISSIONER AND SECRETARY
TO THE GOVT. OF ASSAM FINANCE SIU DEPARTMENT
DISPUR
GUWAAHTI - 781006.

3:THE DIRECTOR

SOCIAL WELFARE
GOVT. OF ASSAM
UZANBAZAR
GUWAHATI - 781001.

4:THE ACCOUNTNT GENERAL

ASSAM
MAIDAMGAON
BELTOLA GUWAHATI - 28

Advocate for the Petitioner : MR.N BARUAH

Advocate for the Respondent : MR.C BARUAH

**BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

01.02.2023

Heard Mr. M. K. Choudhury, learned senior counsel assisted by Mr. A. Barkataki, learned counsel appearing for the writ petitioners.

The petitioners herein were all appointed on regular basis as Instructor (WC), Instructress (K & E), Junior Assistant and Supervisor (Regular), which are all Grade-III posts, under the Social Welfare Department. Their selections were made pursuant to the advertisement notice dated 24.02.2014 and the petitioners had joined their service in the year 2016. The grievance of the petitioners is to the effect that although they have been regularly appointed against the vacant posts, yet, their salary and allowances had not been paid till the time of filing of the writ petition.

Today, when the matter is called up, Mr. S. S. Roy, learned Govt. Advocate, Assam has produced a copy of the notification dated 05.01.2018 issued by the Under Secretary to the Government of Assam, Finance (SIU) Department, a perusal of which goes to show that the arrear salary of the petitioners have been cleared way back in the year 2018. Mr. Roy also submits that the petitioners are receiving regular salary and allowances till date and therefore, nothing survives in this writ petition for adjudication by this Court.

Responding to the above, Mr. Choudhury, learned senior counsel, submits that if that be so, then this writ petition be closed by retaining a copy of the notification dated 05.01.2018 in the record of this case.

The learned Govt. Advocate, Mr. S. S. Roy, Mr. P. Nayak, learned Standing Counsel, Finance Department and Mr. A. Hassan, learned counsel for the office of the Accountant General, Assam are present and do not have any objection if such an order is passed.

In view of the above, this writ petition stands disposed of in the light of the observations made herein above.

A copy of the written instruction dated 20.01.2021 along with its enclosures be retained in the record of this case.

JUDGE

Comparing Assistant