

GAHC010057872023



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

Case No. : WP(C)/1704/2023

SAIJUDDIN AHMED

S/O- LATE RUSTAM ALI, VILL.- GOBINDAPUR, P.O. GOBINDAPUR, P.S. AND
DIST. GOALPARA, ASSAM, PIN- 783101.

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, SECONDARY EDUCATION DEPARTMENT,
DISPUR, GUWAHATI-781006.

2:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
ASSAM
FINANCE DEPARTMENT
DISPUR
GUWAHATI-781006.

3:THE ACCOUNTANT GENERAL
GOVT. OF ASSAM
MAIDAMGAON
BELTOLA
GUWAHATI-29.

4:THE DIRECTOR OF SECONDARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI-19.

5:THE INSPECTOR OF SCHOOLS

GOALPARA DISTRICT CIRCLE
GOALPARA DISTRICT

GOALPARA
ASSAM
PIN- 783121

Advocate for the Petitioner : MR. J AHMED

Advocate for the Respondent : SC, SEC. EDU.

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

24-03-2023

Heard Mr. J. Ahmed, learned counsel for the petitioner and Mr. S.M.T.Chistie, learned Standing counsel, Department of School Education, Assam for the respondent Nos. 1, 4 & 5. Also heard Mr. A. Chaliha, learned Standing counsel, Finance Department, Assam for the respondent No. 2 and Ms. P. Swargiyari, learned Standing counsel, Accountant General, Assam for the respondent No. 3.

It is submitted by the petitioner that the Inspector of Schools, Goalpara District Circle, Goalpara on 27.01.1992 appointed him as a Grade-IV employee temporarily, on casual basis in the lump-sum pay of Rs. 370/- per month in its office and that he is still serving as a Grade-IV casual employee in it and is also receiving salary of Rs. 9200/- per month as fixed pay.

It is also submitted by the petitioner that inspite of his long tenure in service as a Grade-IV casual employee since 1992, his service has not yet been regularized and monthly salary of Rs. 15,900/- per month in terms of the Notification No. FEC(II)4/2014/414 dated 03.10.2019 issued by the State Government in the Finance (EC-II) Department has not been paid to him in compliance of the common order dated 08.06.2017 passed by a Division Bench of this Court in WA No. 45/2014 (*State of Assam Vs. Upen Das and others and other connected cases*) wherein the benefit of such payment of salary of Rs. 15,900/- is given into force w.e.f. 01.12.2018 with the further observation that the Scale of Pay shall be changed based on the enhancement of Dearness Allowances and on the recommendation of the Pay Commission.

However, on being enquired, Mr. Ahmed, learned counsel for the petitioner, on instructions, submitted that the petitioner is not pressing the prayer of regularization of his service. The prayer of the petitioner is that he should be allowed to draw salary of Rs. 15,900/- per month with medical allowances of Rs. 600/- and any other allowances as admissible to him in terms of the said Notification dated 03.10.2019 of the State Government in the Finance Department, noted above.

After hearing the learned counsels for the parties and considering the entire aspect of the matter, this writ petition is disposed of directing the petitioner to submit a fresh representation before the Director of Secondary Education, Assam through the Inspector of Schools, Goalpara District Circle, Goalpara along with a certified copy of this order including the annexures appended thereto and self attested relevant documents **on or before 12.04.2023** providing his full address, e-mail address, telephone/mobile number etc. for needful communication obtaining necessary acknowledgment from them.

In the event of filing such representation by the petitioner within the time so specified above, the Director of Secondary Education, Assam shall dispose of the said representation of the petitioner with a reasoned order following the provisions and the relevant Rules as applicable and in accordance with law within a period of 90 (ninety) days intimating him about the outcome of the said representation to consider the payment as per his entitlement as admissible.

With the above observation and direction, this writ petition stands disposed of.

JUDGE

Comparing Assistant