

GAHC010070402023



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

Case No. : WP(C)/1881/2023

ABDUL WAHAB
S/O- MANIR UDDIN MIAH,
R/O- VILL UTTAR MARAGADADHAR,
P.O- MARAGADADHAR,
P.S- GOLAKGANJ,
DIST- DHUBRI, ASSAM, PIN-783335

VERSUS

THE STATE OF ASSAM AND 5 ORS
REP. BY THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF ASSAM,
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT, DISPUR,
GUWAHATI- 781006.

2:THE COMMISSIONER
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT
ASSAM
PANJABARI
GUWAHATI- 781037

3:THE CHIEF EXECUTIVE OFFICER
DHUBRI ZILLA PARISHAD
P.O.
P.S. AND DIST.- DHUBRI
ASSAM
PIN- 783301.

4:THE BLOCK DEVELOPMENT OFFICER

GOLAKGANJ DEVELOPMENT BLOCK AT GOLAKGANJ
P.S.- GOLAKGANJ
DIST.- DHUBRI

ASSAM
PIN- 783334.

5:THE PRESIDENT
DHUBRI ZILLA PARISHAD
DHUBRI
ASSAM

6:THE SECRETARY
UTTAR MARAGADADHAR GAON PANCHAYAT
DHUBRI
ASSA

Advocate for the Petitioner : MR. M J BARUAH

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

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

Date : 03.04.2023

Heard Mr. M. J. Baruah, learned counsel appearing for the writ petitioner. Also heard Ms. N. Borah, learned standing counsel, P & RD.

2. This writ petition is preferred by the petitioner, who claims that he was appointed as a Tax collector under the Uttar Maragadhadhar Gaon Panchyat under Dhubri Zila Parishad. It is the claim of the petitioner that he has been appointed as a Tax collector since 06.09.2002 and he has been working as such with effect from the said date.

3. The petitioner is aggrieved that other similar Tax collectors working under various Gaon Panchyats have been considered for grant of fixed pay. However, the petitioner inspite of putting on dedicated service with effect from his date of joining has not been considered for grant of fixed pay.

4. The further grievance is that although the Gaon Panchyat has forwarded the necessary documents to the Dhubri Zilla Parishad, however the CEO of Dhubri Zilla Parishad has neglected to forward the papers of the petitioner to the Commissioner Panchyat and Rural Development department, Assam for due consideration of the case of the petitioner. Aggrieved by such inaction of the respondent No.3, the present writ petition has been filed.

5. Ms. N. Borah, learned standing counsel P & RD submits that the certificate enclosed to the writ petition disclosed different dates of joining and there appears to be some discrepancy in the papers which are submitted in favour of the petitioner.

6. Having heard the learned counsels for the parties, since the sole grievance of the petitioner is for grant of fixed pay to the petitioner as had been granted to other similarly situated Tax collectors under various panchyats, this Court is of the view that the writ petition can be disposed of with a direction to the respondent authorities, more particularly, respondent No.3, the Chief Executive Officer, Dhubri Zilla Parishad to send the necessary relevant papers pertaining to the petitioner and place it before the respondent No.2, namely, the Commissioner, Panchyat and Rural Development for due consideration of the petitioner's case for grant of fixed pay.

7. The petitioner is permitted to file their representation to that effect along with the certified copy of this order before the respondent No.3, the Chief Executive Officer, Dhubri Zilla Parishad within a period of one (1) week from the date of this order. If such a representation is filed,

the respondent No.3 will examine the contents and forward the necessary documents to the Commissioner within a further period of fifteen (15) days from the date of filing of the application.

8. Upon receipt of the papers by the respondent No.2, the case of the petitioner for grant of fixed pay shall be decided as expeditiously as possible, however, with the outer limit of ninety (90) days from the date of receipt of the papers from the Zilla Parishad. Any such order that is passed by the Commissioner, a copy of the same shall be marked to the petitioner as well as to the Gaon Panchayat concerned.

9. Writ petition is accordingly disposed of in terms of the above.

JUDGE

Comparing Assistant