

GAHC010072882023



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

Case No. : WP(C)/1920/2023

BIRJU BASFORE
S/O- LATE NAGINA BASFORE, R/O- GOSSAIGAON TOWN, WARD NO. 1, P.O.
AND P.S. GOSSAIGAON, DIST.- KOKRAJHAR, ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS
REP. BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM, GENERAL
ADMINISTRATION (B) DEPTT., DISPUR, GHY-06

2:BODOLAND TERRITORIAL COUNSEL
REP. BY THE PRINCIPAL SECRETARY
B.T.C.
KOKRAJHAR
BODOFANAGAR

3:THE DEPUTY COMMISSIONER
B.T.C. KOKRAJHAR
DIST.- KOKRAJHAR
ASSAM

4:THE SUB-DIVISIONAL OFFICER (CIVIL)
B.T.C.
GOSSAIGAON
ASSA

Advocate for the Petitioner : MR. S NATH

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

04.04.2023

Heard Mr. S. Nath, learned counsel for the petitioner. Also heard Mr. A. Phukan, learned counsel for the respondent No. 1; Ms. P. Das, learned counsel for the respondent No. 2 and Mr. D. Bora, learned counsel for the respondents No. 3 & 4.

2. The petitioner applied for the post of Grade-IV (Sweeper) under the establishment of the Deputy Commissioner, Kokrajhar. Subsequently, he was appointed and joined his service on 06.07.1991 under the Sub-Divisional Officer (Civil), Gossaigaon and posted at the Circuit House, Gossaigaon. The petitioner was initially appointed on a temporary basis at a consolidated pay of Rs. 450/-, which was later enhanced to Rs. 900/- and at present, he is drawing an amount of Rs. 9000/- p.m. The petitioner is aggrieved by the fact that the Government of Assam, Department of Finance vide Notification No. FEC(II)4/2014/414 dated 03.10.2019 had announced that persons who are appointed prior to 1st of September, 2005, their remuneration wages will be enhanced to Rs. 15,900/- with Dearness Allowances (DA) which will be admissible and which will undergo pay revision whenever pay scale changes along with Medical Allowances of Rs. 600/- per month. The petitioner requested for regularization of services and his proposal was forwarded to the Deputy Secretary, Government of Assam, General Administration Department, Assam by the Sub-Divisional Officer (C), Gossaigaon. However, no orders have been passed by the Government. A similar application has been preferred by the petitioner before the Deputy Commissioner, Kokrajhar on 23.04.2021 and 12.05.2022 for consideration of his case where no positive action has been taken by the respondents authorities till date. Being aggrieved, the present writ petition has been filed.

3. The learned counsels representing the Department submits that they require some time for obtaining the required instructions.

4. Upon hearing the learned counsels for the parties and upon due perusal of the available case records, this Court is of the view that since it is submitted that the applications/representations filed by the petitioner before the Deputy Commissioner, Kokrajhar has remained pending, it is proposed to dispose of the writ petition with a direction to the competent authority namely, the Deputy Commissioner, Kokrajhar to look into the grievances of the petitioner and pass appropriate orders on the representations which are pending upon giving an opportunity to the petitioner of being heard. Any such order that may be passed by the Deputy Commissioner, Kokrajhar, a copy thereof shall be communicated to the petitioner.

5. The entire exercise will be completed within a period of 90 days from today. The petitioner will furnish a certified copy of this order along with an application to place it before the Deputy Commissioner, Kokrajhar.

6. The Government Counsels are also at liberty to communicate this order to the respective Departments for due compliance.

With the above observations, the writ petition stands closed.

JUDGE

Comparing Assistant