

GAHC010106372022



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

Case No. : WP(C)/3710/2022

HABEL UDDIN AND ANR
S/O. AMAN ALI, VILL. BOYZER ALGA PT-VI, P.O. BONDIHANA, P.S.
FAKIRGANJ, DIST. DHUBRI, PIN-783348.

2: ABDUL BAREK SK @ ABDUL BAREK

S/O. AJIMUDDIN SK
VILL. MEJER ALGA PT-II
P.O. JARUARCHAR
P.S. FAKIRGANJ
DIST. DHUBRI
PIN-783339

VERSUS

THE STATE OF ASSAM AND 5 ORS
REP. BY THE PRINCIPAL SECRETARY, GOVT. OF ASSAM, PANCHAYAT AND
RURAL DEVELOPMENT DEPTT., DISPUR, GUWAHATI-06.

2:THE COMMISSIONER AND SECY.

GOVT. OF ASSAM
FINANCE DEPTT.
DISPUR
GUWAHATI-06.

3:THE COMMISSIONER

PANCHAYAT AND RURAL DEVELOPMENT DEPTT.
GOVT. OF ASSAM
PANJABARI
JURIPAR
GUWAHTI
ASSAM.

4:THE JOINT DIRECTOR

PANCHAYAT AND RURAL DEVELOPMENT DEPTT.
GOVT. OF ASSAM
PANJABARI
JURIPAR
GUWAHATI
ASSAM.

5:THE CHIEF EXECUTIVE OFFICER

DHUBRI ZILA PARISHAD
DHUBRI
ASSAM.

6:THE BLOCK DEVELOPMENT OFFICER

BIRSHING JARUWA DEVELOPMENT BLOCK
DIST. DHUBRI
ASSAM

Advocate for the Petitioner : MR. T SK

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

**BEFORE
HONOURABLE MR. JUSTICE NELSON SAILO**

ORDER

18.01.2023

Heard Mr. T. S.K, learned counsel for the petitioners and Mr. N.K. Dev Nath, learned Addl. Standing Counsel³ appearing for the P&R.D. who are arrayed as respondent Nos. 1 to 6 except respondent No. 2. Also heard Mr. R. Borpujari, learned counsel appearing for the Finance Department, respondent No. 2.

The respondents have not filed their counter affidavit but having regard to the nature of issue involved, the writ petition is taken up disposal at this stage.

The basic case of the petitioners is that they have been engaged as Casual Worker and working as Peon-cum-Chowkidar on honorary basis at 55 No. Boyzer Alga Gaon Panchayat and at 56 No. Jaruarchar Gaon Panchayat under Dhubri Zilla Parishad, Dhubri since 17.10.2005 and 01.03.2006 respectively. Although their names were forwarded on being recommended to get fixed salary at par with similar other engaged workers in the year 2019 but the Department concerned without any reason dropped their names from their approved list, which was published on 03.01.2021. Accordingly, they are before this Court.

Mr. T. S.K, learned counsel for the petitioners submits that the petitioners are entitled to be given fixed wages at par with other similarly situated Casual Workers in terms of the Division Bench judgment of this Court dated 08.06.2017 passed in Writ Appeal No. 45/2014 (*State of Assam -Vs- Upen Das & 835 Others*). He submits that the representation submitted before the Chief Executive Officer, Dhubri Zilla Parishad, Dhubri on 18.01.2022 has also not been considered and disposed of by the said authority and therefore, appropriate direction may be issued by this Court.

On hearing the learned counsels for the parties and perusal of the materials available on record, the writ petition is disposed of with a direction to the petitioner to submit a fresh representation before the Commissioner, Panchayat and Rural Development Department, Govt. of Assam (respondent No. 3) incorporating all the relevant submissions and materials they would like to rely upon for making their claim for payment of fixed wages at par with other similarly situated Casual Workers within

a period of 20 days from today and the respondent No. 3 on receipt of the same shall examine the representation and disposed of the same by way of a speaking order. If the petitioners are found entitled to be given fixed wages in terms of the decision of this Court in *Upen Das & 385 Others (supra)*, the same shall be given to them without further delay.

JUDGE

Comparing Assistant