

GAHC010121232012



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

Case No. : WP(C)/2902/2012

PRADIP BAISHYA and 11 ORS
S/O LATE UPEN BAISHYA, R/O KARBI BAGAR, GHY-21, KAMRUP M,
ASSAM

2: BHUPEN BARMAN
S/O JOGEN BARMAN
R/O BAGHARBARI
GUWAHATI
KAMRUP M
ASSAM

3: ARUP CHAKRABORTY
S/O LATE DINESH CHAKRABORTY
R/O ANANDA NAGAR
GUWAHATI
KAMRUPM
ASSAM

4: ARUP MAHANTA
S/O LATE C.K. MAHANTA
R/O GHY-5
KAMRUPM
ASSAM

5: BAKHLAR RAHMAN
S/O LATE AZIZUR RAHMAN
R/O ISLAMPUR
GUWAHATI
KAMRUPM
ASSAM

6: MAHODAR THAKURIA
S/O LATE SATYA NATH THAKURIA
R/O BAGHARBARI

GUWAHATI
KAMRUPM
ASSAM

7: BIPUL DATTA
S/O LATE GANESH DATTA
R/O DEBBARUPATH
DISPUR
GUWHATI
KAMRUPM
ASSAM

8: BISWAJIT CHOUDHURY
S/O RANJAN CHOUDHURY
R/O KALAPAHAR
GUWAHATI
KAMRUPM
ASSAM

9: DUL DAS
S/O KESHAB DS
R/O BELTOLA
GUWAHATI
KAMRUP M
ASSAM

10: DURGA KINGKAR BHATTACHARJEE
S/O MADHAV CH. BHATTACHARJEE
R/O MUGDI
NALBARI
ASSAM

11: HRISIKESH DAS
R/O BARPETA
ASSAM

12: NABAJIT PATOWARY
S/O JADAV PATOWARY
R/O BISHAN RAVA NAGAR
GHY-16
KAMRUPM
ASSA

VERSUS

THE STATE OF ASSAM AND ORS
REPRESENTED BY THE PRINCIPAL SECRETARY CUM COMMISSIONER
GOVT. OF ASSAM, DEPARTMENT OF INDUSTRIES and COMMERCE,

DISPUR, GHY-6, ASSAM

2:THE COMMISSIONER OF INDUSTRIES AND COMMERCE
UDYOG BHAWAN BAMUNIMAIDAN
GHY-21
ASSAM

3:THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM
FINANCE DEPARTMENT
DISPUR
GHY-6
ASSAM

4:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
FINANCE PRU DEPARTMENT
DISPUR
GHY-

Advocate for the Petitioner : MRS.S P NAIR

Advocate for the Respondent : SC, FINANCE

**BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

Date : 26-06-2023

Heard Mr. A. Chakraborty, learned counsel for the writ petitioners. Also heard Mr. A. Kalita, learned standing counsel, Industries Department, Assam appearing on behalf of respondent Nos. 1 and 2 as well as Mr. B. Gogoi, learned standing counsel, Finance Department, Assam appearing on behalf of respondent Nos. 3 and 4.

This writ petition has been filed by some of the employees of the Industries Department, Assam with the following prayers:-

- i) To issue a writ in the name of mandamus and/ or any other writ, order

or direction of the nature directing the respondent authorities to sanction to the Extension Officer (Industries) their scale of pay in the Pay Band 3 with the Grade Pay of Rs. 4300/-.

- ii) To issue a writ in the nature of mandamus and/ or any other writ, order or direction of the nature directing the respondent authorities to equalize the scale of pay of the Extension Officers with that of the Quality Control Examiners.
- iii) And/ or be pleased to pass such further order/ orders as your Lordships may deem fit and proper in the facts and circumstances of the case.

Mr. Gogoi submits that the relief sought for by the petitioners in the form of pay parity has already been given to them under the RoP Rules, 2017 and therefore, nothing survives for adjudication in this case.

Mr. Chakraborty has fairly admitted that his clients have got the relief under the RoP Rules, 2017 but he submits that the benefit of 6th CPC have not been given to them till today.

I find from the pleadings in the writ petition that no grievance has been expressed in the writ petition pertaining to the 6th CPC. Therefore, the said aspect of the matter cannot be adjudicated in this writ petition.

As such, by taking note of the submissions of the learned counsel for both the sides and by granting liberty to the petitioners to agitate their grievance, if any, pertaining to the 6th CPC, by approaching the concerned authority, this matter stands closed.

JUDGE

GS

Comparing Assistant