

GAHC010171682022



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

**Case No. : WP(C)/5836/2022**

DURGESWAR BORUAH AND 35 ORS  
SON OF LATE SIBUEAM BARUAH  
RESIDENT OF BORPATHAR TOWN, WARD NO. 3,  
DISTRICT- GOLAGHAT, ASSAM  
PIN-785602.

2: BHADRESWAR BORAH  
SON OF LATE DAMBARUDHAR BORA  
RESIDENT OF P.O- BARPATHAR  
DISTRICT- GOLAGHAT  
ASSAM  
PIN-785602.

3: MD. ABDUL MALIK  
SON OF LATE TAMIZAT ALI  
RESIDENT OF NO.2 BORPHUKAN KHAT  
P.O- BAMBORAH  
DISTRICT- GOLAGHAT  
ASSAM  
PIN- 785702.

4: NOREN GOGOI  
SON OF LOKESWAR GOGOI  
  
RESIDENT OF CHELENGI GAON  
P.O- PULIBOR  
  
DISTRICT- GOLAGHAT  
ASSAM  
  
PIN-785621.

5: UMA KT. BORA  
SON OF LATE BHOLARAM BORA

RESIDENT OF DHEKIAL KUMAR GAON

DISTRICT- GOLAGHAT  
ASSAM

PIN- 785702.

6: DIGANTA BORUA  
SON OF LT. DHARANI DHAR BORUA

RESIDENT OF NO.2 SENCHOWA

P.O- ADHAN SATRA

DISTRICT- GOLAGHAT  
PIN- 785602.

7: SRI JEUTI DUARA  
WIFE OF LATE SUNIL DUARA

RESIDENT OF AKO GAON  
P.O- NABHETA

DISTRICT-GOLAGHAT  
PIN- 785622.

8: PHULEN BAISHYA  
SON OF BELIRAM BAISHYA

RESIDENT OF JYOTI NAGAR

DISTRICT- GOLAGHAT  
ASSAM

PIN - 785622.

9: MRS. LABANYA SAIKIA  
WIFE OF LATE BUDHIRAM SAIKIA

RESIDENT OF BOSA BHARALUA GAON

P.O- SALIKIHAT

DISTRICT- GOLAGHAT  
ASSAM

PIN- 785625.

10: KUSHAL CH. KALITA  
SON OF UNKNOWN

RESIDENT OF VILLAGE- KUMAR GAON

P.O.- NA-PAMUA KUMAR VIA K.B. ALI

DISTRICT- GOLAGHAT  
ASSAM

PIN- 785625.

11: AZIZUR RAHMAN  
SON OF LT AZIM HUSSAIN

RESIDENT OF GOLAGHAT TOWN WARD NO. 2  
KUMARPATTY  
BANIK PATH  
N.R. FOREST RANGE OFFICE  
DISTRICT- GOLAGHAT  
ASSAM

PIN- 785625.

12: RAJU GOGOI  
SON OF LATE DURGYUDHAN GOGOI

RESIDENT OF MORAN GOAN  
P.O.- JORHAT

TITABOR  
DISTRICT- JORHAT  
ASSAM  
PIN-785630.

13: RANJAN KUMAR SARMAH  
SON OF LATE DEBESWAR SARMAH  
RESIDENT OF VILLAGE AND P.O.- GOROKHIA DOL GAON  
DISTRICT - JORHAT  
ASSAM  
PIN- 785015.

14: MRS. NIBEDITA PHUKAN  
WIFE OF SARAT CH. BORDOLOI  
RESIDENT OF TORAJAN SONARI GAON  
DISTRICT- JORHAT  
ASSAM  
PIN- 785001.

15: NAREN BORAH  
SON OF LATE DEBEN BORA

RESIDENT OF BHATEMORA GAON  
PULIBOR

DISTRICT- JORHAT  
ASSAM

PIN- 785001.

16: MRS. NOMIZA BEGUM  
WIFE OF LATE GONIUR RAHAMAN

RESIDENT OF BORHUJ GAON

P.O- PANICHAKUA GAON  
DISTRICT- JORHAT  
ASSAM  
PIN- 785001.

17: MRS. RUNU MAHANTA  
WIFE OF BIMAN GOSWAMI

RESIDENT OF AJAN GAON  
TILIKIAM

DISTRICT- JORHAT  
ASSAM  
PIN- 785001.

18: PUHAI GOGOI  
SON OF LATE POKA GOGOI

RESIDENT OF SENSHUA GAON

P.O- BORVETA

DISTRICT- JORHAT  
ASSAM

PIN- 785001.

19: ANIL BORUAH  
SON LATE DUMAI BORUAH

RESIDENT OF KAKOTI GAON

DISTRICT- JORHAT  
ASSAM  
PIN- 785001.

20: SAKUNTALA DUTTA  
WIFE OF LATE PRADIP DUTTA  
RESIDENT OF CHOWKIDINGEE  
UDAIPUR

DISTRICT- DIBRUGARH  
ASSAM  
PIN- 786003.

21: NIRMALI BORUAH  
DAUGHTER OF AMBIKA NATH BARUAH  
RESIDENT OF MILAN NAGAR  
P.O- C.R. BUILDING

DISTRICT- DIBRUGARH  
ASSAM  
PIN- 786003.

22: CHAMPESWAR HAZARIKA  
SON OF LATE ROBI KANTA HAZARIKA

RESIDENT OF MATIAKHANA GAON

P.O- MATIAKHANA

DISTRICT- TINSUKIA  
ASSAM  
PIN- 786125.

23: UPEN BORDOLOI  
SON OF LATE KAMALA KT. BORDOLOI

RESIDENT OF MILAN NAGAR  
P.O- C.R.BUILDING  
DISTRICT- DIBRUGARH  
ASSAM  
PIN- 786003.

24: ALTAF HUSSAIN  
SON OF MD. IBRAHIM

RESIDENT OF A.T.ROAD

NEAR GRAHAM BAZAR GIRLS HIGH SCHOOL

DISTRICT- DIBRUGARH

PIN- 786003.

25: MANSUR ALI  
SON OF LATE HARMUZ ALI

RESIDENT OF TINKUNIA WARD (MASZID ROAD)

P.O- GRAHAM BAZAR

DISTRICT- DIBRUGARH  
ASSAM

PIN- 786003.

26: FULOMA GOGOI  
WIFE OF BALURAM GOGOI

RESIDENT OF NA ALI DHEKIAJAN

DAKHIN HATI CHUNGI GAON

DISTRICT- JORHAT  
ASSAM

PIN- 785009.

27: NANDA LAL YADAV  
SON OF LATE RAMGOGI YADAV

RESIDENT OF BAMUN GAON

P.O- GABHARUBHETI

DISTRICT- TINSUKIA  
ASSAM

PIN- 786125.

28: MINU DUTTA SAIKIA  
WIFE OF LATE BABUL SAIKIA  
RESIDENT OF S.D.O COLONY  
P.O- CHAPAKHOWA  
P.S- SADIYA

DISTRICT- TINSUKIA  
ASSAM

PIN- 786125.

29: BIPIN CH. SAIKIA  
SON OF LATE REBA KT. SAIKIA

RESIDENT OF GELLAPUKHURI ROAD

P.O- GELLAPUKHURI

DISTRICT- TINSUKIA  
ASSAM  
PIN- 786125.

30: THANESWAR PHUKAN  
SON OF LATE PREMADHAR PHUKAN

RESIDENT OF BORDOLOI NAGAR

P.O- TINSUKIA  
DISTRICT- TINSUKIA  
ASSAM  
PIN- 786125.

31: LAKHI CHETIA  
SON OF LATE HEM KANTA CHETIA

RESIDENT OF MELENG CHETIA GAON

P.O- LAHDAIGARH

DISTRICT- JORHAT  
ASSAM

PIN- 785009

32: BIREN KOTOKY  
SON OF MOHAN CH. KOTOKY

RESIDENT OF BETIONI KAKOTY GAON

P.O- BETIONI

DISTRICT- GOLAGHAT  
ASSAM  
PIN- 785622

33: RUPALI HAZARIKA  
DAUGHTER OF LATE MANICK CHANDRA HAZARIKA

RESIDENT OF CHARAIGAON  
DERGAON  
DISTRICT- GOLAGHAT  
ASSAM  
PIN- 785614.

34: SIBA KANTA BORA  
SON OF LATE TANKESHWAR BORA

RESIDENT OF LOTHGAON  
DERGAON

DISTRICT- GOLAGHAT  
ASSAM

PIN- 785614

35: PUTUL CHANDRA BORAH  
SON OF DASRAM BORAH

RESIDENT OF MOUZADARALI

NEAR H.P. PETROL PUMP

P.O- KAMARGAON  
DERGAON

DISTRICT- GOLAGHAT  
ASSAM

PIN- 785614.

36: ROHESWAR GOGOI  
SON OF LATE G. GOGOI

RESIDENT OF TINSUKIA BORDOLOI NAGAR

NEAR SAINT STEPHEN HIGH SCHOOL

P.O.- TINSUKIA  
ASSAM

PIN- 786125

VERSUS

THE STATE OF ASSAM AND 4 ORS  
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT OF

ASSAM, DISPUR, GUWAHATI- 781006, ASSAM.

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

3:THE SECRETARY TO THE GOVERNMENT OF ASSAM  
IRRIGATION DEPARTMENT  
DISPUR  
GUWAHATI- 781006.

4:THE ASSAM STATE MINOR IRRIGATION DEVELOPOMENT  
CORPORATION LIMITED  
REPRESENTED BY ITS MANAGING DIRECTOR  
ASSAM STATE MINOR IRRIGATION DEVELOPOMENT CORPORATION  
LIMITED  
ULUBARI  
GUWAHATI- 781007  
ASSAM.

5:THE MANAGING DIRECTOR  
ASSAM STATE MINOR IRRIGATION DEVELOPOMENT CORPORATION  
LIMITED  
ULUBARI  
GUWAHATI- 781007  
ASSAM

**Advocate for the Petitioner : MR P BHARADWAJ**

**Advocate for the Respondent : GA, ASSAM**

**BEFORE  
HONOURABLE MR. JUSTICE SUMAN SHYAM**

**ORDER**

**24.07.2023**

Heard Mr. P. Bharadwaj, learned counsel for the petitioners. Also heard  
Mr. H. Sarma, learned Additional Senior Govt. Advocate, Assam appearing for  
the respondent No.1, Mr. R. Borpujari, learned Standing Counsel, Finance

Department, Assam for respondent No.2 and Mr. N. Upadhyay, learned Standing Counsel, Irrigation Department, Assam for respondent Nos.3, 4 and 5.

The writ petitioners herein were all employees of the Assam State Minor Irrigation Development Corporation Limited (ASMIDC) which went into liquidation. Consequently, the 302 employees of the ASMIDC were offered Voluntary Retirement Scheme (VRS) which was notified by the departmental Secretary on 13.05.2005. The scheme was subsequently revised by the department vide notification dated 15.02.2006. Accordingly, benefits under the VRS Scheme was extended to all the 302 numbers of employees including the writ petitioners. However, the respondents have failed to pay the amount due and payable as House Rent Allowance (HRA), Medical Allowance (MA) and City Compensatory Allowance (CCA) although the aforesaid allowances, according to the petitioners, were included in the terms and conditions of the VRS scheme. Hence, this writ petition.

It appears that earlier a group of similarly situated former employees of ASMIDC had approached this Court by filing WP(C) No.9562/2019 which was disposed of by the learned Single Judge by order dated 13.05.2022 by accepting their similar claim for payment of HRA, MA and CCA. Mr. Bharadwaj submits that the case of the present petitioners is squarely covered by the judgment and order dated 13.05.2022 and therefore, this writ petition be also disposed of with a similar direction.

Mr. H. Sarma, learned Addl. Sr. Govt. Advocate, Assam as well as Mr. N. Upadhyay, learned Standing Counsel, Irrigation Department, Assam have also fairly submitted that the case of the petitioners would be covered by the judgment and order dated 13.05.2022 passed by this Court. However, the

learned departmental counsel could not confirm as to whether, the aforesaid order of this Court has already been implemented by the departmental authorities or not.

Be that as it may, I find from the materials available on record that the writ petitioners in WP(C) No.9562/2019 had also prayed for a direction for payment of HRA, MA and CCA against the same authority. They were also amongst the 302 regular employees of the ASMIDC who were covered under the VRS Scheme notified on 13.05.2005, which was revised by the department vide notification dated 15.02.2006. Taking note of the prayer made in the writ petition, the learned Single Judge, by the judgment and order dated 13.05.2022 had passed the following directions disposing of the writ petition :-

*“11. In that view of the matter, it is held that the petitioners are entitled for HRA, MA and CCA and the same need to be calculated and included in salary for purpose of declaring VRS benefits and accordingly, the respondent Irrigation Department is directed to consider the case of the petitioner in the aforesaid term and if HRA, MA and CCA as per the clause 1(e) of the VRS scheme dated 15.02.2006 has not been paid, the same be paid within a period of two months from receipt of certified copy of this order to be furnished by the petitioners before the respondent authority.”*

Since there is no dispute at the bar that the writ petitioners herein are also similarly situated employees of ASMIDC having similar nature of grievance, hence, I do not find any justifiable ground to deny a similar relief to the writ petitioners. The writ petition is, therefore, disposed of by providing that the prayer of the petitioners for consideration of HRA, MA and CCA as per clause 1(e) of the VRS Scheme dated 15.02.2006 be considered and the amount found

due may be paid to them within a period of three months from the date of receipt of a certified copy of this order.

With the above observation, the writ petition stands disposed of.

**JUDGE**

**Comparing Assistant**