

GAHC010171992021



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

Case No. : WP(C)/6188/2021

KISHOR KUMAR KANOO AND 10 ORS
S/O LT. JAWHAR LAL KANOO, R/O VILL. KUKITHAL BAZAR, P.O. PATHINI,
P.S. BAZARICHARA, DIST. KARIMGANJ, ASSAM

2: SUBODH KR. GHOSH
S/O LT. SUSHIL KR GHOSH
R/O VILL. BADARPUR (RETIRED COLONY)
P.O. BADARPUR
P.S. BADARPUR
DIST. KARIMGANJ
ASSAM

3: PREM CHANDRA ROY SHARMA
S/O JOGENDRA ROY SHARMA
R/O VILL. FANIRBOND
P.O. RATABARI
P.S. RATABARI
DIST. KARIMGANJ
ASSAM

4: BIDHAN DUTTA
S/O LT. BIOND BIHARI DUTTA
R/O VILL. BAITHAKAL BASTI (HARI BASAR) P.O. KATABARI
DIST. KARIMGANJ
ASSAM

5: DEBASISH DESMUKH
S/O LT. DWIJENDRA KR. DESMUKH
R/O VILL. AMBARKHANA
P.O. AMBARKHANA
DIST. KARIMGANJ
ASSAM

6: SAMIR KR. GHOSH

S/O LT. NANIGOPAL GHOSH
R/O VILL. SHYAMA PRASAD PALLY
PO. BADARPUR
DIST. KARIMGANJ
ASSAM

7: BASANTA LAL KANOO
S/O LT. KRISHNA RAM KANOO
R/O VILL. SONAKHIRA
P.O. SONAKHIRA
DIST. KARIMGANJ
ASSAM

8: RANJIT KURMI
S/O LT. RAMPATI KURMI
R/O VILL. SONTILA
P.O. DURLAVCHERA
DIST. KARIMGANJ
ASSAM

9: RAJIB KURMI
S/O LT. MADHU SUDAN KURMI R/O VILL. AND P.O. VIDYA NAGAR
DIST. KARIMGANJ
ASSAM

10: SURESH TATWA
S/O LT. GOLAP RAM TATWA
R/O VILL. AND PO. HATIKHIRA
DIST. KARIMGANJ
ASSAM

11: RAJ KUMAR CHAKRABARTY
S/O LT. RAJENDRA CHAKRABORTY
R/O VILL. BIJAYNAGAR
P.O. RATABARI
DIST. KARIMGANJ
ASSA

VERSUS

THE STATE OF ASSAM AND 6 ORS
REP. BY THE ADDITIONAL CHIEF SECRETARY TO THE GOVT. OF ASSAM,
PUBLIC HEALTH ENGINEERING DEPTT. DISPUR, GUWAHATI-6

2: THE COMMISSIONER AND SECRETARY
TO THE GOVT. OF ASSAM
FINANCE DEPTT. DISPUR-6 ASSAM

3:THE PRINCIPAL SECRETARY
TO THE GOVT. OF ASSAM
FINANCE (EC-II) DEPTT. DISPUR-6 ASSAM

4:THE COMMISSIONER AND SECRETARY
GOVT OF ASSAM
PERSONNEL (B) DEPTT. DISPUR
GUWAHATI-6
ASSAM

5:THE SECRETARY
TO THE GOVT. OF ASSAM
SECRETARY TO THE GOVT. OF ASSAM PUBLIC HEALTH ENGINEERING
DEPTT. DISPUR
GUWAHATI-6
ASSAM

6:THE CHIEF ENGINEER
PUBLIC HEALTH ENGINEERING WATER ASSAM
HENGRABARI
GUWAHATI-36

7:THE EXECUTIVE ENGINEER
PUBLIC HEALTH ENGINEERING
KARIMGANJ DIVISION
KARIMGANJ
ASSA

Advocate for the Petitioner : MR. J I BORBHUIYA

Advocate for the Respondent : SC, FINANCE

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

28-08-2023

Heard Mr. J.I. Barbhuiya, learned counsel for the petitioners. Also heard Mr. D. Gogoi, learned Standing Counsel, Public Health Engineering (PHE) Department, Assam appearing for the respondents.

2. The petitioners before this Court claim to be Muster Roll workers under

the Public Health Department since 1993. The learned counsel for the petitioner submits that the petitioners have been performing their duties as Muster Roll workers, but they are shown to be on a fixed incentive of Rs.5,000/- (Rupees Five Thousand only) per month instead of giving them fixed pay. So, learned counsel for the petitioners submits that the petitioners are putting more than 10 (ten) years of service and are therefore entitled to be given the benefits as directed by this Court in W.A. No.45/2014 (***the State of Assam vs. Upen Das & Ors.***) by judgment and order dated 08.06.2017. It is submitted that in spite of the applications and representations being filed before the concerned authorities, the cases of the petitioners have not been considered. They have not been given the minimum of pay scale as held by this Court in ***Upen Das & Ors.*** (supra).

3. Mr. D. Gogoi, learned Standing Counsel, PHE submits that his instructions in this matter are awaited.

4. Considering the prayers made in the writ petition that the petitioners are claiming the benefits in terms of the directions passed by this Court in ***Upen Das & Ors.*** (supra), this Court is of the view that the matter need not be kept pending for want of instructions from the respondent authorities. Accordingly, this Court is of the view that the writ petition can be disposed of with a direction to the respondent authorities to consider the claims of the petitioners individually in terms of the directions given by this Court in ***Upen Das & Ors.*** (supra) read with the directions of the Apex Court passed in ***State of Punjab vs. Jagjit Singh*** reported in (2017) 1 SCC 148. If the benefit of fixed and minimum pay scale and other benefits have been offered to similarly situated persons who are employees of the Government of Assam, then the cases of the petitioners are also required to be considered as per law. Accordingly, the

petitioners are permitted to file their individual representations before the competent authority i.e. the Secretary to the Government of Assam, Public Health Engineering Department the respondent no.5 within a period of 10 (ten) days from the date of receipt of a certified copy of this order and thereafter, the concerned authority will consider the cases of the petitioners and pass appropriate orders thereon within a further period of 60 (sixty) days from the date of receipt of the application of the petitioner(s).

5. In terms of the above, the writ petition stands disposed of.

JUDGE

Comparing Assistant