

GAHC010178012019



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

Case No. : WP(C)/5540/2019

NAZRUL HAQUE LASKAR AND ANR.
S/O- LT ABDUL KARIM LASKAR, R/O- BOALIPAR PART-III, P.O. BOALIPAR
BAZAR, P.S. AND DIST- HAILAKANDI, ASSAM

2: ABUL HUSSAIN LASKAR
S/O- LT ALAUDDIN LASKAR
R/O- VILL- ALGAPUR
PART-I
P.O. KALIBARI BAZAR
P.S. ALGAPUR
DIST- HAILAKANDI ASSA

VERSUS

THE STATE OF ASSAM AND 3 ORS.
TO BE REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM,
FINANCE DEPTT., DISPUR, GHY-6

2:THE COMM. AND SECY. TO THE GOVT. OF ASSAM
PANCHAYAT AND RURAL DEVELOPMENT DEPTT.
DISPUR GHY-6

3:THE DIRECTOR
PANCHAYAT AND RURAL DEVELOPMENT DEPTT.
JURIPAR
PANJABARI GHY-37

4:THE CHIEF EXECUTIVE OFFICER
HAILAKANDI ZILLA PARISHAD
P.O. P.S. AND DIST.- HAILAKANDI ASSA

Advocate for the Petitioner : MR. M H LASKAR

Advocate for the Respondent : SC, FINANCE DEPTT.

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

Date : 13.10.2023

Heard Mr. M. H. Laskar, learned counsel for the petitioners. Also heard Mr. N. K. Dev Nath, learned Standing Counsel, P&RD Department and Mr. R. Borpujari, learned Standing Counsel, Finance Department.

This writ petition is filed by the petitioners, who were appointed as Casual Employees (Peon-cum-Chowkidar) on 15.12.2005 and 31.12.2005 respectively in the Gaon Panchayat office under Hailakandi Zilla Parishad. The claims of the petitioners are that they have been continuously discharging their services for more than 14 years without break.

Learned counsel for the petitioners submits that this Court, while considering a similar issue, which arose in Writ Appeal No. 45/2014, by order dated 08.06.2017, directed the authorities to pay the minimum of pay scale to all Muster Roll Workers/Casual Workers working more than 10 years, following the decision of the Hon'ble Apex Court rendered in *State of Punjab & Ors. -Vs- Jagjit Singh & Ors.*, reported in (2017) 1 SCC 148.

Learned counsel for the petitioners submits that although the Panchayat and Rural Development Department prepared a consolidated list of 366 Casual Workers, including the names of the petitioners, however, their claims were not considered by referring to a notification dated 08.03.2019 issued by the Finance Department, wherein it was provided that only Muster Roll Workers, who were appointed prior to the AFRBM period, i.e. 1st September, 2005, will be

considered for grant of minimum scale of pay as directed by this Court by order, dated 08.06.2017, passed in Writ Appeal No. 45/2014.

On earlier dates, learned counsel for the Finance Department was directed to obtain required instructions. Today when the matter is called up, Mr. Borpujari, learned Standing Counsel, Finance Department, has placed before this Court the notification No. FEC(II)80/2018/156, which was issued on 16.09.2021 under the signatures of the Commissioner & Secretary to the Government of Assam, Finance Department.

A perusal of the said notification dated 16.09.2021 reveals that the Government has recalled its earlier decision of grant of minimum of pay scale only to Muster Roll Workers/Work Charged Workers, who were appointed prior to AFRBM period. By the said notification, a decision was taken that all Muster Roll Workers appointed prior to AFRBM period will be granted the minimum of pay scale in terms of the order, dated 08.06.2017, passed in Writ Appeal No. 45/2014 (*State of Assam -Vs- Upen Das and others*).

In view of such submissions made by the learned counsel for the respondent and in view of the notification No. FEC(II)80/2018/156 dated 16.09.2021 issued under the signatures of the Commissioner & Secretary to the Government of Assam, Finance Department, this Court is of the view that the writ petition can be closed with a direction to the respondent authorities in the Finance Department to consider the proposal for grant of minimum scale of pay in terms of the order, dated 08.06.2017, passed in Writ Appeal No. 45/2014 in respect of the writ petitioners, as stated by the learned Standing Counsel for the P&RD Department. The Finance Department shall, thereafter, pass appropriate orders in terms of the direction contained in the order, dated 08.06.2017, passed in Writ Appeal No. 45/2014 within a period of 60 (sixty) days from the

date of receipt of a certified copy of this order along with applications filed by the petitioners.

In terms of the above direction, the writ petition stands closed and disposed of.

Interim order, if any, stands merged.

The P&RD Department will also ensure that any particulars/details etc. that may be necessary in respect of the writ petitioners to comply with the direction of this Court shall be forwarded forthwith to the Finance Department.

JUDGE

Comparing Assistant