GAHC010248562023

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

WP(C)/6482/2023

PARTHA DUTTA
S/O- LATE NIREN DUTTA
R/O- PHUKAN NAGAR
NEAR BHULANATH KAKOTY PATH
P.O. AND P.S.- SIVASAGAR
DISTRICT- SIVASAGAR
ASSAM.

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY CHIEF SECRETARY
GOVERNMENT OF ASSAM
ASSAM SECRETARIAT
DISPUR
GUWAHATI-05.

2:THE PRINCIPAL SECRETARY
REVENUE AND DISASTER MANAGEMENT
GOVT. OF ASSAM
ASSAM SECRETARIAT
DISPUR
GUWAHATI-05.
3:THE CHAIRPERSON
ASSAM STATE DISASTER MANAGEMENT AUTHORITY
ASSAM SECRETARIAT
DISPUR
GUWAHATI-05.
4:THE CHAIRPERSON
DISTRICT DISASTER MANAGEMENT AUTHORITY
SIVASAGAR
ASSAM.

5:THE PRINCIPAL SECRETARY
DEPARTMENT OF FINANCE
GOVT. OF ASSAM
ASSAM SECRETARIAT
DISPUR
GUWAHATI-05.

Advocate for : MR. A GOYAL
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND 4 ORS

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

21.11.2023

Heard Mr. A. Goyel, learned counsel for the petitioner. Also heard Mr. D. Borah, learned Government Advocate, Assam appearing for the respondent no.1, Mr. A. Chaliha, learned Standing Counsel, Finance Department for the respondent nos. 5 and Mr. S. Dutta, learned Standing Counsel, Revenue Department for the respondent nos. 2, 3 & 4.

2. Mr. A. Goyel, learned counsel for the petitioner submits that the petitioner was appointed on contractual basis as Field Officer under the Assam State Disaster Management Authority (ASDMA), subject to renewal upon the performance of the appointee, on a fixed pay of Rs.2,40,000/- per annum. The petitioner's case is that there have been several meetings and resolutions passed by the State Level Committee and State Disaster Management Authority,

to better the service conditions of Field Officers in ASDMA.

3. The petitioner's counsel submits that the petitioner should be given the pay scale as per the 7th Assam Pay & Productivity Commission Rule, 2017 i.e. Pay Scale of Rs.30,000/- to Rs.1,10,000/-. He submits that in this regard, the Minister, Revenue and Disaster Management, Assam, vide letter dated 08.06.2023, had requested the Chief Secretary, Assam to make necessary arrangement for sanctioning the non-sanctioned posts of Field Officers (DM) within ASDMA with an ideal salary structure. But the same has not been done till date. The petitioner's counsel also submits that the State Executive Committee of ASDMA in it's 24th meeting, at Agenda Item No.6, held on 26.02.2016 and as per the concurrence issued by the Finance Department, had allowed some employees of ASDMA, who are not Field Officers, to get the benefit of the corresponding Pay Scale of the 7th Pay Commission w.e.f. 01.04.2018, till their tenure of contract was in force. He thus submits that the petitioner should be given the same benefit as provided to the persons holding other posts in ASDMA, as given in the order dated 29.04.2019 issued by the Commissioner & Secretary and Chief Executive Officer, ASDMA.

4. Mr. A. Goyel, learned counsel for the petitioner submits that the writ petition can be disposed of, if the petitioner is given the liberty to file a detailed

representation to the respondent nos.2 & 3, for getting the benefits provided to the 52 employees mentioned in the order dated 29.04.2019 issued by the Commissioner & Secretary and Chief Executive Officer, ASDMA.

5. Learned counsel for the respondents submit that they have no objection to the prayer made by the petitioner's counsel, though the petitioner has no enforceable right with regard to his grievance.

6. In view of the consent of the parties, this writ petition is disposed of with liberty being given to the petitioner, to submit a detailed representation to the respondent nos.2 & 3 with regard to his grievance. In the event, the petitioner submits his representation to the respondent nos.2 & 3, the respondent nos.2 & 3 shall dispose of the same within a reasonable time and preferably within a period of 2 (two) 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