

GAHC010248742023



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

Case No. : WP(C)/6541/2023

MIR KAMARUZ ZAMAN
S/O. MD. KHALEKUL ZAMAN,
R/O- WARD NO. 2, MANGALDAI TOWN,
P.O. AND P.S.- MANGALDAI,
DISTRICT- DARRANG, 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
DARRANG
ASSAM.

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

GUWAHATI- 05

Advocate for the Petitioner : MR. A GOYAL

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : 28-11-2023

Heard Mr. A. Goyal, learned counsel for the petitioner; Mr. J.K. Goswami, learned Additional Senior Government Advocate, Assam for the respondent no. 1; Mr. S. Dutta, learned Standing Counsel, Revenue and Disaster Management Department for the respondent nos. 2 – 4; and Mr. A. Chaliha, learned Standing Counsel, Finance Department for the respondent no. 5.

2. It is the case of the petitioner that the post of Field Officer [Disaster Management] was created as per the resolution taken vide Agenda no. 10 in the 6th Meeting of the Assam State Disaster Management Authority, held on 19.05.2015, chaired by the Hon'ble Chief Minister-cum-Chairman, Assam State Disaster Management Authority [ASDMA]. As per the said Agenda, the Field Officer was to be appointed in each of the Revenue Circle Offices to assist the Circle Officers in monitoring Disaster Management planning and capacity building activities at the grassroot levels, in co-ordination with other

departmental offices. The applications were thereafter, invited from eligible candidates for engagement as Field Officers in each of the Revenue Circles in 33 districts of Assam and pursuant to such selection process, the petitioner came to be engaged as Field Officer vide a Letter of Engagement dated 02.02.2017 on contractual basis for a period of 1 [one] year, subject to renewal upon performance, at a fixed pay of Rs. 2,40,000/- per annum. It is the further case of the petitioner that thereafter, several meetings and resolutions were passed by the State Level Committee and the State Disaster Management Authority, to better the service conditions of Field Officers in the ASDMA.

3. Mr. Goyal, learned counsel for the petitioner has submitted that the petitioner's case should have been considered for grant of pay scale as per the 7th Assam Pay & Productivity Commission Rules, 2017, at a pay scale of Rs. 30,000/- to Rs. 1,10,000/-. He has contended that the Minister, Revenue & Disaster Management Department, Assam had requested vide a letter dated 08.06.2023 to the Chief Secretary to the Government of Assam to make necessary arrangement for sanctioning the non-sanctioned posts of Field Officers [Disaster Management] within the ASDMA with an ideal salary structure. It is further submitted by him that the State Executive Committee of the ASDMA in its 24th Meeting held on 26.02.2016, vide Agenda Item No. 6 and as per the concurrence issued by the Finance Department, had allowed some employees of the ASDMA, who were not Field Officers, to get the benefit of the corresponding pay scale in terms of the 7th Assam Pay & Productivity Commission Rules, 2017 w.e.f. 01.04.2018, till their tenure of contract was in force. He has further submitted that the petitioner as Field Officer [Disaster Management] should also be given the same benefit as provided to the persons holding other posts in the

ASDMA, as given vide the order bearing no. 29.04.2019 passed by the Commissioner & Secretary and Chief Executive Officer, ASDMA [Annexure XIII].

4. Mr. Goswami, learned Additional Senior Government Advocate, Assam; Mr. Dutta, learned Standing Counsel, Revenue & Disaster Management Department; and Mr. Chaliha, learned Standing Counsel, Finance Department have, in unison, submitted that another writ petition, W.P.[C] no. 6557/2023, wherein the petitioner therein was similarly situated like the petitioner herein, has already been disposed of by an Order dated 15.11.2023 allowing the petitioner therein to submit a detailed representation highlighting his grievances and seeking the benefits similar to the order dated 29.04.2019, before the concerned respondent authorities with a further direction to the said respondent authorities to dispose of the said representation within a reasonable time period.

5. Mr. Goyal, learned counsel for the petitioner agreeing to the said submission advanced by the learned counsel for the respondents, has submitted that the petitioner be also given the same liberty to file a detailed representation before the respondent nos. 2 & 3.

6. I have gone through the order dated 15.11.2023 passed in the writ petition, W.P.[C] no. 6557/2023, placed before the Court by the learned counsel for the parties. It appears that the petitioner in W.P.[C] no. 6557/2023 is similarly situated to the petitioner herein.

7. In view of the broad consensus arrived at by the learned counsel for the parties in the afore-stated manner and considering the fact that the case of the petitioner is similarly situated to the case of the petitioner in W.P.[C] no. 6557/2023, this Court is of the considered view that instead of keeping this writ

petition pending, the same can be disposed of in similar manner the writ petition, W.P.[C] no. 6557/2023 had been disposed of. Accordingly, the writ petition is disposed of with liberty to the petitioner to submit a detailed representation before the respondent nos. 2 & 3 highlighting his grievances within a period of 15 [fifteen] days from today. In the event of submission of such a representation by the petitioner, the respondent nos. 2 & 3 shall take the said representation on board and after consideration, shall dispose of the same by passing a speaking order within a reasonable time period, preferably within a period of 2 [two] months from the date of receipt of a certified copy of this order at the office of the respondent nos. 2 & 3.

8. This order disposes of the writ petition. No cost.

JUDGE

Comparing Assistant