

GAHC030002342023



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

Case No. : WP(C)/45/2023

Smt. Krosszarmawii and 5 Ors.

D/o K. Sangthuama

R/o College Veng, Aizawl, Mizoram - 796005. 2: Sh. Eddie Zonunkima

3: Sh. Lalchhanchhuaha

4: Smt. Vanlalzawnpuii Colney

5: Dr. Lalmuanpuii

6: Smt. Deborah Lalawmpui

VERSUS

Union of India and 4 Ors.

R/b the Secretary, Ministry of Housing and Urban Poverty Alleviation, Nirman

Bhawan, New Delhi-110011. 2:The Chief Secretary Govt. of Mizoram

MINECO

3:The Secretary to the Govt. of Mizoram
Urban Development and Poverty Alleviation Dept.

4:The Secretary to the Govt of Mizoram
Dept. of Personnel and Administrative Reforms

5:The Director
Urban Development and Poverty Alleviation

Advocate for the Petitioner : Mr Lalremtluanga

Advocate for the Respondent : Ms Zairemsangpuii, CGC for R1

B E F O R E
HON'BLE MRS. JUSTICE MARLI VANKUNG
O R D E R

22.11.2023

Heard Mr. Lalremtluanga, learned counsel for the petitioners along with Mr. P.c. Lalthangmawia, learned Govt. Advocate for the State respondents and Ms. Baby Laldinzuala, learned counsel appearing on behalf of Ms. Zairemsangpuii, learned CGC for respondent No.1.

Mr. Lalremtluanga, learned counsel for the petitioners submits that facts of the case in a nutshell is as noted by this court in its order dated 11.05.2023 which is reproduces herewith ;

“The petitioner Nos. 1 & 2 were appointed as Social Development Specialist (SDP) under Rajiv Awas Yojana (RAY) vide Notification dated 20.06.2016 on a fixed remuneration of Rs.35,000/-. The petitioner No.3 was appointed by a similar notification of the same date as Geographical Information System Specialist, under RAY on a fixed remuneration to Rs.35,000/-. The petitioner No.4 was also appointed by a separated notification of the same date as Training Co-ordinator/Research & Training Co-ordinator under RAY and the petitioner Nos. 5 & 6 were also appointed similarly in the same fixed remuneration of Rs.35,000/- but

under the Jawaharlal Nehru National Urban Renewal Mission (JnNURM).

The learned counsel for the petitioners submits that all the petitioners were appointed on the same date and they also joined on the same date and were paid a fixed remuneration of Rs.35,000/-. Subsequently, their remuneration was enhanced to Rs.48,690/- and in respect of petitioner Nos. 5 & 6, their remuneration further enhanced to Rs.50,000/- w.e.f March 2023. Referring to the JnJRUM Scheme, the learned counsel submits that the petitioner Nos. 5 & 6 are entitled to receive a salary of Rs.55,000/- per month but they have been paid only Rs.50,000/-. Likewise, the petitioner Nos. 1 to 4 being engaged under the State Level Technical Cell, they are entitled to be given a sum of Rs.75,000/- per month as their salary, but they have only been paid Rs.48,690/- as on today.

The petitioners with their grievance have submitted 4 (four) representations before the respondent authority concerned. The first being on 10th February 2015 (Annexure-XIV) and the last representation being submitted on 22.12.2022 (Annexure-XL) before the respondent No. 3. However, since their representations have not been considered and disposed of, the petitioners are before this Court."

The learned counsel for the petitioners further submits that since the representations submitted by the petitioner have not been considered till date, this Court may direct the petitioners to consider the representations submitted by the petitioners favorably.

Mr. P.C. Lalthangmawia, learned Govt. Advocate for the State respondents no.2 to 5 and Ms. Baby Laldinzuala, learned counsel appearing on behalf of Ms.

Zairemsangpuii, learned CGC for respondent No.1 have both prayed for further time to file their counter affidavits since they have yet to receive instructions in the matter.

Having heard the submissions made by both the parties, this Court finds that the petitioners have been submitting representations to the State Respondents. The first representation is dated 10.02.2015 addressed to the Director, Urban Development & Poverty Alleviation Department, Govt. of Mizoram and the most recent representation is dated 22.12.2022 addressed to the Secretary to the Govt. of Mizoram, Urban Development & Poverty Alleviation Department, Aizawl. However it is seen that the petitioners have not received any response whatsoever till date. This court thus finds that it is the bonded duty of the State Respondents to acknowledge, consider and respond to such representations, instead of simply keeping them in cold storage.

Under the above circumstances and also on considering the limited prayer made by the learned counsel for the petitioners, this court find it fit to dispose of this instant writ petition without going into the merits of the case, with a direction to the State Respondents to promptly consider the representations of the petitioners, the most recent being dated 22.12.2022, as per law by applying the principles of equity and fair play and to dispose of the same with a speaking order within 4 (four) weeks from the date of receiving a certify true copy of this Court's Order.

Thereafter, if still aggrieved, the petitioners are given the liberty to take fresh legal recourse, if so advised.

Accordingly, W.P.(C) No. 45 of 2023 stands disposed of.

JUDGE

Comparing Assistant