

GAHC010002082021



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

Case No. : WP(C)/373/2021

UPAKUL BORDOLOI AND 5 ORS
S/O- SRI GOJEN BORDOLOI, R/O- BOKAKHAT, P.O. AND P.S. BOKAKHAT,
DIST.- GOLAGHAT, ASSAM, PIN- 785621

2: BALEN KALITA
S/O- SRI BANCHIT KALITA
R/O- SEWJIPAR
BOKAKHAT
P.O. AND P.S. BOKAKHAT
DIST.- GOLAGHAT
ASSAM
PIN- 785621

3: KALYAN SHARMA
S/O- SRI DEBEN SHARMA
PERMANENT R/O- VILL- BALIJAN KATH GAON
P.O. CHETIA GAON
P.S. CHABUA
DIST.- DIBRUGARH
ASSAM
PIN- 786184

4: SAMARJYOTI BORI
S/O- SRI KANESWAR BORI
R/O- VILL- BORTIKA GAON
P.O. BONKUWAL
P.S. KAMARGAON
DIST.- GOLAGHAT
ASSAM
PIN- 785619

5: BIRENDRA RAJAK
S/O- LT. DURGA RAJAK
R/O- VILL- KOLAKHUA GAON

P.O. AND P.S. BOKAKHAT
DIST.- GOLAGHAT
ASSAM
PIN- 785612

6: HEMANTA DOLEY
S/O- SRI KEHURAM DOLEY
R/O- DHANSIRIMUKH
P.S. BOKAKHAT
DIST.- GOLAGHAT
ASSAM
PIN- 78561

VERSUS

THE STATE OF ASSAM AND 5 ORS.
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM, JUDICIAL
DEPTT. CUM LEGAL REMEMBRANCER, DISPUR, GHY, ASSAM, PIN- 781006

2: THE GAUHATI HIGH COURT
REP. BY THE REGISTRAR GENERAL
GUWAHATI
ASSAM
PIN- 781001

3: THE REGISTRAR GENERAL
GAUHATI HIGH COURT
GUWAHATI
ASSAM
PIN- 781001

4: THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM
FINANCE DEPTT.
DISPUR
GHY
ASSAM
PIN- 781006

5: THE DISTRICT AND SESSIONS JUDGE
GOLAGHAT
P.O. AND P.S. GOLAGHAT
DIST.- GOLAGHAT
ASSAM
PIN- 785621

6: THE SUB-DIVISIONAL JUDICIAL MAGISTRATE (M)
BOKAKHAT
DIST.- GOLAGHAT

ASSAM
PIN- 78562

Advocate for the Petitioner : MR A D CHOUDHURY

Advocate for the Respondent : SC, FINANCE

BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM

ORDER

Date : 29-02-2024

Heard Mr. T. Chakraborty, learned counsel for the writ petitioners. Also heard Mr. H.K. Das, learned standing counsel, GHC appearing for the respondent Nos. 2, 3, 5 and 6. Mr. A. Chaliha, learned counsel has appeared for the respondent No. 4. None has appeared for the respondent No. 1.

All these writ petitioners were engaged in the year 2019 as Gr-IV staff to render services in the newly established Judicial Guest House of the Gauhati High Court at Bokakhat. However, despite discharging their duties on regular basis, the petitioners were not paid any remuneration. Aggrieved thereby, they had approached this Court by filing the instant writ petition.

It is submitted at the Bar that during the pendency of this writ petition, the respondents have granted the status of casual employees to the writ petitioners and accordingly, monthly remuneration of Rs. 9,000/- along with arrear dues from the date of their engagement has already been released in favour of the petitioner Nos. 1 and 3 to 6. Mr. Chakraborty submits that the petitioner Nos. 1 and 3 to 6 are getting their monthly remuneration on time. However, since the petitioner No. 2 had resigned from his post so

as to join a Gr-IV post in the establishment of the District Judge, Golaghat, he was not paid his arrear dues for the period during which he had actually served as casual employee in the Judicial Guest House.

Taking note of the aforesaid circumstances, by the order dated 22-01-2024, the learned standing counsel, GHC was requested by this Court to obtain specific instruction as to why, the arrear dues of the petitioner No. 2 have not been released till today.

Today, when the matter was called up, Mr. H.K. Das submits that it is correct that the arrear dues of the petitioner No. 2 have not been released till today but no specific reason has been furnished to him by the respondents for not doing so.

As noticed above, it is not in dispute that all petitioners were engaged on casual basis in the Judicial Guest House at Bokakhat. They were made to work without any remuneration which had prompted them to file the instant writ petition. During the pendency of this writ petition, the respondents have sanctioned casual pay to all the six writ petitioners w.e.f. the date of their engagement, along with arrear dues. There is also no dispute about the fact that the petitioners have rendered their services during the period claimed by them and the petitioner No. 2 had also worked as a casual employee in the said Guest House w.e.f. 01-02-2019 to 26-06-2022. If that be so, there cannot be any justifiable ground for the authorities to deny the arrear salary to the petitioner No. 2 for the period during which he had actually served in the Judicial Guest House. Since there is no other live issue surviving in this writ petition, this matter stands closed with a direction upon the respondents to take necessary steps for release of arrear dues of the petitioner No. 2, as per Govt. approval, for the period during which he had rendered services as

casual employee.

The aforesaid exercise be carried out and completed, as expeditiously as possible, but not later than 60 days from the date of receipt of a certified copy of this order.

Writ petition stands disposed of accordingly.

JUDGE

GS

Comparing Assistant