

GAHC010040732023



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

**Case No. : WP(C)/359/2023**

A S M MASHUD LASKAR  
S/O- ABDUL HASIM LASKAR  
VILL- HAILAKANDI  
WARD NO.1  
P.O- BICHINGCHA  
P.S- HAILAKANDI  
DIST- HAILAKANDI  
ASSAM  
PIN- 788151

VERSUS

THE STATE OF ASSAM AND 5 ORS  
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT OF ASSAM  
PANCHAYAT AND RURAL DEVELOPMENT  
ASSAM  
GHY- 06

2:THE PRINCIPAL SECRETARY  
TO THE GOVT OF ASSAM  
PANCHAYAT AND RURAL DEVELOPMENT DEPTT  
DISPUR  
GHY- 06

3:THE COMMISSIONER  
PANCHAYAT AND RURAL DEVELOPMENT  
ASSAM  
PANJABARI  
JURIPAR  
GUWAHATI- 37

4:THE PRINCIPAL SECRETARY  
TO THE GOVT OF ASSAM  
FINANCE DEPTT  
DISPUR

GHY- 06  
5:THE CHIEF EXECUTIVE OFFICER  
HAILAKANDI ZILLA PARISHAD  
HAILAKANDI  
DIST- HAILAKANDI  
6:THE SECRETARY  
NARAINPUR-TUPKHANA GP  
DIST- HAILAKANDI  
ASSAM  
PIN- 788151  
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Advocate for : MR F U BARBHUIYA  
Advocate for : SC  
P AND R.D. appearing for THE STATE OF ASSAM AND 5 ORS

**BEFORE  
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

**ORDER**

**Date : 02/02/2024**

Heard Ms. S. Das, learned counsel for the petitioner. Also heard Mr. R. Borpujari, learned standing counsel, Finance Department and Mr. P. Handique, learned standing counsel, P & RD.

2. This writ petition is filed by the petitioner praying for grant of minimum wages. Petitioner is working as a Chowkidar at fixed pay basis in the Office of Narainpur-Tupkhana Gaon Panchayat. He is being presently paid a fixed pay of Rs.7,200/- per month. Since his date of appointment on 03.02.2005, the petitioner has been rendering his services. However, during the course of the arguments the learned counsel for the petitioner submits that at this stage the writ petitioner want to rely on the Judgment passed by the Division Bench of this Court rendered in *W.A. No.45/2014 (the State of Assam and Ors. Vs Upen Das and Ors.)*, which is disposed of on 08.06.2017.

3. Having heard the learned counsels for the parties and upon careful perusal

of the pleadings on record including the Judgment dated 08.06.2017 passed in *Upen Das (supra)*, this court is of the view that if the claim for regularization of the petitioner is not pressed at this stage and the only limited prayer of the petitioner is for a direction to pay the minimum of the pay scale, then the matter stands covered in terms of the directions contained in paragraph 22 of the Judgment of *Upen Das (supra)*. The claim for regularization of the services of the writ petitioner having not perused at this stage, is left open to be decided in an appropriate proceeding, if so advised. For convenience paragraph 22 of the Judgment rendered in *Upen Das (supra)* is extracted below:-

*“22. It is, however, heartening to learn that the State Government has agreed not to terminate the Muster Roll, Work Charged and similarly placed employees working since last more than 10 years (not in sanctioned post) till their normal retirement, except on disciplinary ground or on ground of criminal offences. The State Government has also agreed to enlist such employees in Health and Accidental and Death Insurance Scheme, which will be prepared in consultation with the State Cabinet. We appreciate this positive stand of the State Government taken as welfare measures for the betterment and security of the employees, in question. We, accordingly, direct the State Government to implement the measures without further delay. Besides this, we, in the light of decision of the Supreme Court in State of Punjab vs. Jagjit Singh, (2017) 1 SCC 148, also direct the State Government to pay minimum of the pay scale to Muster Roll workers, Work Charged workers and similarly placed employees working since last more than 10 years (not in sanctioned post) with effect from 1.8.2017.”*

4. The writ petition, therefore, stands closed with a direction to the respondents, more particularly, the Principal Secretary to the Govt. of Assam, Panchayat and Rural Development Department, Dispur to examine the claim of the petitioner in respect of their entitlement for being paid the minimum of the

pay scale in terms of the Judgment of the Division Bench of this Court rendered in *Upen Das (supra)* and thereafter if the claim of the petitioner is found to be genuine then the benefits that will accrued to the petitioner in terms of the said Judgment should be released expeditiously.

5. Accordingly, the department will now examine the prayer of the writ petitioner and thereafter pass a speaking order and thereafter, if found to be entitled, his benefits as prayed for shall be released.

6. This exercise shall be completed within a period of 60 (sixty) days from the date of receipt of a certified copy of this order to be submitted by the petitioner.

7. Writ petition accordingly stands disposed of. No order as to cost.

**JUDGE**

**Comparing Assistant**