

GAHC010013412024



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

Case No. : WP(C)/349/2024

MONOJ KUMAR DAS AND 4 ORS
S/O LT. MONMOHAN DAS, VILL-PRATAPPUR F.V, P.O.-PRATAPPUR, P.S.-
SILCHAR, DIST-CACHAR, ASSAM, PIN-788113

2: FAKRUL ISLAM BARBHUIYA
S/O LATE BASIR UDDIN BARBHUIYA
VILL -RANGAUTI PART-I
P.O.-PAIKAN
P.S. AND DIST-HAILAKANDI
ASSAM
PIN-788155

3: JULU BARMAN
S/O LT. PUTUL BARMAN
VILL- BIALIPUR
P.O.-PRATAPPUR
P.S.-LALA
DIST-HAILAKANDI
ASSAM
PIN-788113

4: MAHBUB ALOM KHAN
S/O LATE BADAR UDDIN KHAN
VILL- BASHDHAR PART-1
P.O.-MATIJURI
P.S. AND DIST-HAILAKANDI
ASSAM
PIN-788155

5: AHAD HUSSAIN LASKAR
S/O LATE MOUR UDDIN LASKAR
VILL- SAIDPUR PART IV
P.O.-SAIDPUR MUKAM
P.S.-SILCHAR

DIST-CACHAR
ASSA

VERSUS

THE STATE OF ASSAM AND 6 ORS
TO BE REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVT. OF ASSAM, ENVIRONMENT AND FOREST DEPARTMENT, DISPUR,
GUWAHATI-6

2:THE PRINCIPAL CHIEF CONSERVATOR OF FOREST AND HEAD OF
FOREST FORCE
ASSAM
ARANYA BHAWAN
PANJABARI
GUWAHATI-37

3:THE CONSERVATOR OF FORESTS
SOUTHERN ASSAM CIRCLE
SILCHAR
CACHAR
PIN-788001

4:THE DIVISIONAL FOREST OFFICER
HAILAKANDI
P.O. AND DIST-HAILAKANDI
ASSAM
PIN-788151

5:THE RANGE FOREST OFFICER
MATIJURI RANGE
DIST-HAILAKANDI
ASSAM
PIN-788151

6:THE BEAT FOREST OFFICER
BILAIPUR BEAT
DIST-HAILAKANDI
ASSAM
PIN-788102

7:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
FINANCE DEPARTMENT
DISPUR
GUWAHATI-

Advocate for the Petitioner : MR. K A MAZUMDER

Advocate for the Respondent : SC, FOREST

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

24.01.2024

Heard Mr. K.A. Mazumder, learned counsel for the petitioners. Also heard Mr. I. Borthakur, learned Standing Counsel, Forest Department for the respondent nos. 1 to 6 and Mr. R. Borpujari, learned Standing Counsel, Finance Department for the respondent no.7.

This writ petition is filed by the petitioners who claim to be casual workers working under the Divisional Forest Office, Hailakandi District under the Hailakandi Forest Division. The writ petitioners rendered their services in various post like drivers, casual labourers etc. The petitioner nos. 1 & 2 were engaged as casual worker/labourer with effect from 01.03.1993, the petitioner nos. 3 & 5 were engaged with effect from 01.03.2005 and the petitioner no.4 was engaged with effect from 25.05.2009. It is submitted that these workers are rendering their services without any blame or blemish and their prayer for payment of fixed wages or remunerations have not been considered by the respondents Department. It is submitted by the learned counsel for the petitioners that by order dated 01.01.2024 as many as 482 persons working under the various

Forest Divisions were recommended for a fixed pay of Rs.15,900/- (Rupees Fifteen thousand Nine hundred) with dearness allowance and which will undergo pay revision whenever pay scale changes along with medical allowances of Rs.600/- (Rupees Six hundred) per month. All these persons were named in the order dated 01.01.2024 who are rendering their services similar to that of the writ petitioners. It is the grievance of the writ petitioners that these 482 persons named in the order dated 01.01.2024 were considered for grant of fixed pay of Rs.15,900/- (Rupees Fifteen thousand Nine hundred) overlooking the claims of the petitioners. It is submitted that the petitioners are rendering services like the other similarly situated persons but their claims for fixed remuneration has not been considered till date. Learned counsel for the petitioners submits that the writ petitioners have also approached the authorities by filing a representation dated 08.01.2024. However, the said representation is pending before the Commissioner and Secretary to the Government of Assam, Environment and Forest Department, without passing any orders thereof.

Mr. I. A. Borthakur, learned Standing Counsel, Forest Department submits that at this stage he has no instructions and he would like to obtain instructions in the matter.

Having heard the learned counsel for the parties and upon perusal of the writ petition, it is seen that the limited prayer of the petitioners in the writ petition is for consideration of the cases of the petitioners for grant of fixed pay as has been done in the case of other 482 persons stated to be similarly situated as has been reflected in the order dated 01.01.2024 issued by the Secretary to the Government of Assam, Environment and Forest Department.

Accordingly, this Court is of the view that the claim of the petitioners is for extending the similar benefits in view of the order issued by the Department on 01.01.2024 in respect of other similarly satiated persons. It is also seen that there is a representation preferred by the petitioners before the authorities which has stated to have been filed on 08.01.2024 before the Commissioner and Secretary to the Government of Assam, Environment and Forest Department, thorough the DFO, Hailakandi.

Considering such limited prayer of the writ petitioners and that there are five writ petitioners before this Court in the present proceedings, this Court is of the view that the writ petition need not be kept pending and the same can be disposed of with a direction to the Commissioner & Secretary to the Government of Assam, Environment & Forest Department to look into the claims raised by the petitioners for grant of fixed remuneration as has been done in respect of

the 482 persons mentioned in the order dated 01.01.2024 issued by the Secretary to the Government of Assam, Environment and Forest Department, which persons are stated to be similarly situated like the present petitioners. The Commissioner and Secretary to the Government of Assam, Environment and Forest Department, will verify the claims raised by the petitioners and thereafter, shall pass effective speaking order(s) on the representation. Any information, if found required to be submitted by the petitioners, may be called for and which will accordingly be furnished by the petitioners. The Commissioner and Secretary to the Government of Assam, Environment and Forest Department, shall pass a speaking order and copies thereof will be served to the petitioners individually. The entire exercise will be completed within a period of 30 (thirty) days from the date of receipt of a certified copy of this order.

The writ petition stands disposed of in terms of the above.

JUDGE

Comparing Assistant