

GAHC010028562015



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

Case No. : WP(C)/7919/2015

DIGANTA BARO and 71 ORS
S/O SRI KANURAM BARO, VILL. KATHALARTARY, P.O. SARUTAPA, DIST-
BARPETA, ASSAM

VERSUS

THE STATE OF ASSAM AND 5 ORS
REP. BY THE COMMISSIONER and SECY. TO THE GOVT. OF ASSAM,
ENVIRONMENT and FOREST DEPTT., ASSAM SECRETARIAT, DISPUR, GHY-
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Advocate for the Petitioner : MR.M M DEKA, MR.U C RABHA,MR.S M SARMA

Advocate for the Respondent : MR.R K BORA, SC, FOREST,SC, FINANCE

**BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI**

ORDER

Date : 19.11.2024

Heard Mr. U.C. Rabha, learned counsel for the petitioner. Also heard Mr. I. Borthakur, learned Standing Counsel Forest Department and Mr. P. Nayak, learned Standing Counsel Finance Department.

2. By way of this petition under Article 226 of the Constitution of India, the petitioners are seeking direction to prepare a list of the petitioners who were working prior to 01.04.1993, but were left out in earlier list and initiate the process onward for consideration of approval of their names for engagement as casual workers on revised fixed pay scale under the subject scheme undertaken.

3. The case of the petitioner is that the petitioner were working as casual worker at fixed monthly wages which was enhanced from time to time under the establishment of Divisional Forest Office (Social Forestry), Barpeta Division, since the time prior to 01.04.1993. The Environment and Forest Department, Government of Assam rolled out a scheme with concurrence of the Finance (EC-1) Department, Government of Assam for regular engagement of casual worker on fixed monthly wages who were working since prior to 01.04.1993. It is the further case of the petitioner that the Forest Department accordingly by letter dated 18.10.2008 directed the respective Divisional Forest Officer to compile and prepare list of names of casual workers of pre 01.04.1993. In pursuant of the aforesaid letter, the jurisdictional Divisional Forest Officer prepared the list of names and

sent the same to the higher authority concerned for onward action. However, the names of the petitioners were left out in the list of names sent. Thereafter, the respondent no. 3 issued a reminder letter dated 27.09.2010 to the respective jurisdictional Division Forest Officers to prepare a list of left out casual workers and send the same to the higher authority. Though the names of the petitioners were included in the list of left out casual workers, however, it is the specific case of the petitioner that later on they came to know from office source that the list of left out casual workers having their names has been returned by the authority concerned by letter dated 09.12.2014 for which the present writ petition has been filed.

4. Mr. U.C. Rabha, learned counsel for the petitioner submits that this Court earlier in WPC no. 7046 of 2013 in the case of similarly situated persons by Judgment and Order dated 03.03.2014 directed the Principal Chief Conservator of Forest to conduct an enquiry relating to the entitlement of the petitioners therein who are similarly situated like that of the petitioners for fixed wages. He accordingly submits that the said Judgment and order dated 03.03.2014 squarely covers the issue in hand.

5. Per contra Mr. I. Borthakur, learned Standing Counsel Forest Department submits that though the affidavit of the jurisdictional Divisional Forest Officer indicates that the names of the petitioner has been sent in the list of left over, left out category, the Finance Department has raised dispute to the said list. However, he fairly submits that the present case can also be disposed of in similar line as

that of WP(C) no. 7046 of 2013.

6. Heard the learned Counsels for both the parties and perused the material available on record.

7. Having regard to the aforesaid endorsements made by the learned counsel for the parties, the writ petition is disposed of by directing the Principal Chief Conservator of Forest (respondent no. 3) to conduct an enquiry relating to the entitlement of petitioners for fixed wages as claimed by the them along with other similarly placed persons.

8. The said report shall be submitted to the Commissioner & Secretary, Government of Assam, Forest Department within a period of 3 (three) months from today. The Commissioner & Secretary, Forest Department thereafter shall send the same to the Finance Department seeking necessary approval, if required at all. The entire exercise is directed to be completed within a period of 3 (three) months from the date of production of the certified copy of the order passed today to be produced by any of the petitioners before the respondent no. 3.

9. The writ petition is accordingly disposed of.

JUDGE

Comparing Assistant