

GAHC010065212024



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

Case No. : WP(C)/1816/2024

MANIKANTA MILI
S/O- SRI KOILANG MILI,
R/O- MOMOKHUR,
P.O.- AHOMONI,
DIST.- LAKHIMPUR, ASSAM,
INDIA.

VERSUS

THE STATE OF ASSAM AND 9 ORS
TO BE REPRESENTED BY THE PRINCIPAL COMMISSIONER AND
SECRETARY TO THE GOVT. OF ASSAM,
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT,
DISPUR, GUWAHATI-6, ASSAM.

2:THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM
FINANCE DEPARTMENT
DISPUR
GUWAHATI-06
ASSAM.

3:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
FINANCE DEPARTMENT (EC-II)
DISPUR
GUWAHATI-06
ASSAM.

4:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT
DISPUR
GUWAHATI-6
ASSAM.

5:THE ADDITIONAL SECRETARY TO THE GOVT. OF ASSAM
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT
DISPUR
GUWAHATI-6
ASSAM.

6:THE COMMISSIONER
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT
ASSAM
JURIPAR
PANJABARI
GUWAHATI-22
ASSAM.

7:THE JOINT SECRETARY TO THE GOVT. OF ASSAM
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT
DISPUR
GUWAHATI-06
ASSAM.

8:THE SECRETARY
FINANCE (ECONOMIC AFFAIRS) DEPARTMENT
DISPUR
GUWAHATI-6
ASSAM.

9:THE JOINT DIRECTOR
O/O THE COMMISSIONER
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT
ASSAM

JURIPAR
PANJABARI
GUWAHATI- 22
ASSAM.

10:THE CHIEF EXECUTIVE OFFICER
LAKHIMPUR ZILA PARISHAD
LAKHIMPUR
P.O. AND P.S.- LAKHIMPUR

DIST.- LAKHIMPUR
ASSAM
PIN- 787001

Advocate for the Petitioner : MR G G GOGOI

Advocate for the Respondent : SC, P AND R.D.

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

03.04.2024

Heard Mr. G. G. Gogoi, learned counsel for the petitioner. Also heard Mr. P. Handique, learned Standing counsel, P&RD for the respondent Nos. 1, 4, 5, 6, 7, 9 and 10 and Mr. R. Borpujari, learned standing counsel, Finance Department for the respondent Nos. 2, 3 and 8.

2. The petitioner is serving as Peon-cum-Chowkidar (Casual Worker) in the Office of the Ranganadi Gaon Panchayat under Lakhimpur Zilla Parishad. The Joint Secretary to the Govt. of Assam, Panchayat and Rural Development Department by a Communication dated 25.01.2012 and addressed to the Commissioner Panchayat and Rural Development of Assam conveyed the approval of the Govt. towards payment of fixed monthly wages to 1812 Nos. of casual workers engaged in different Zilla Parishads, Anchalik Panchayats and Gaon Panchayats prior to 01.04.1993 and after 01.04.1993 up to 31.03.2006. By another office order dated 14.12.2021, issued by the Principal Secretary to the Govt. of Assam, Panchayat and Rural Development Department, Fixed Pay Workers who were engaged pre-AFRBM period were allowed to draw fixed wages/ remuneration of Rs.15,900/- with Dearness Allowance which will

undergo revision whenever pay-scale changes based on enhancement of DA and recommendation of Pay Commission along with Medical Allowance of Rs.600/- per month. The name of the petitioner appears at Sl. 3 in the said order dated 14.12.2021.

3. The grievance of petitioner before this Court is that he has not been paid his monthly salary for the period from 01.04.2010 to 30.11.2018 and arrear salary from 01.12.2018 to 28.02.2022. The petitioner therefore made a representation before the Chief Executive Officer, Lakhimpur as well as Commissioner of Panchayat and Rural Development Department, Guwahati on 03.01.2024 praying for release of the pending monthly salary and pending arrear salary. The representation dated 03.01.2024 is yet to be considered by the respondent No.6/the Commissioner, Panchayat & Rural Development Department till date.

4. The learned counsel for the petitioner submits that since the representation filed by the petitioner is pending, the Commissioner may be permitted to examine the matter and thereafter pass appropriate order. The submissions of the learned counsel for the petitioner is not objected to by the learned Standing counsel for the respondents.

5. Accordingly, taking into consideration the submissions made at the bar, this writ petition is disposed of directing the respondent No.6 to verify the entire

service records of the petitioner and thereafter, dispose of the representation dated 03.01.2024, within a period of 3(three) months from the date of receipt of a copy of the order of this Court.

6. With the above observations and directions, this writ petition is disposed of.

JUDGE

Comparing Assistant