GAHC010065222024

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

Case No. : WP(C)/1777/2024

TILAK BORUAH
S/O- LT SONESWAR BORUAH,
R/O- NO. 2 KOWADONGA,
P.O.- KOWADONGA,
DIST.- LAKHIMPUR, ASSAM, INDIA.

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

2:THE PRINCIPAL COMMISSIONER AND 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
GUWAHAT-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
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 LANUSUNGKUM JAMIR

ORDER

Date : 01.04.2024

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

2. The petitioner is working as Tax Collector (Casual Worker) in the Office of the Phulbari Gaon Panchayat under Lakhimpur Zilla Parishad.

3. The Joint Secretary to the Govt. of Assam, Panchayat and Rural Development Department by a communication dated 25th of January, 2012, addressed to the Commissioner, Panchayat and Rural Development Assam conveyed the approval of the Government towards payment of fixed monthly wages to 1812 Nos. of casual workers engaged in different Zilla Parishads, Anchalik Panchayats and Gaon Panchayats prior to the 01.04.1993 and after 01.04.1993 up to 31.03.2006 @ of Rs.4,500/-.

By another Office Order dated 14th of December, 2021, issued by the Principal Secretary to the Government of Assam, Panchayat and Rural Development Department, fixed pay workers who were engaged Pre-AFRBI period were allowed to draw fixed wages/remuneration of Rs. 15,900/- with Dearness Allowance (DA) which will undergo revision whenever pay-scale changes based

on enhancement on DA and recommendation of Pay Commission along with Medical Allowance of Rs.600 per month. The name of the petitioner appears at Sl. No. 34 in the said order dated 14th of December, 2021.

4. The grievance of the petitioner before this Court is that he has not been paid his arrear salary from 01.04.2010 to 30.11.2018 @ of Rs.4,500/- and arrear salary for the period from 01.12.2018 to 28.02.2022 @ of Rs.15,900/-. The petitioner therefore made a representation dated 03.01.2024 praying for release of pending monthly salary and arrear salary before the Chief Executive Officer, Lakhimpur. By another representation dated 03.01.2024, the petitioner addressed to the Commissioner Panchayat and Rural Development Department Guwahati requested for release of pending monthly and pending arrear salary. The said representation dated 03.01.2024 is yet to be considered by the respondent No.6/Commissioner, Panchayat and Rural Development Department, Assam till date.

Accordingly, 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.

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

JUDGE

Comparing Assistant