

GAHC010094412023



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

Case No. : WP(C)/2646/2023

SANJOY DAS
S/O- LT. SAMARJIT DAS,
VILLAGE- SADARASHI,
P.O.- SADARASHI, P.S.- KARIMGANJ,
DISTRICT- KARIMGANJ, ASSAM,
PIN- 788709.

VERSUS

THE STATE OF ASSAM AND 7 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM,
ENVIRONMENT AND FOREST DEPARTMENT,
DISPUR, GUWAHATI- 781006.

2:THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS AND HEAD OF
FOREST FORCE
ASSAM
ARANYA BHAWAN
PANJABARI

GUWAHATI- 781037.

3:THE ADDL. PRINCIPAL CHIEF CONSERVATOR OF FOREST (AFFTN)-CUM-
CHAIRMAN
COMMITTEE FOR VERIFICATION OF THE STATUS OF LEFT OUT CASUAL
WORKERS

O/O. THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS AND HEAD OF
FOREST FORCE
ASSAM

ARANYA BHAWAN
PANJABARI

GUWAHATI- 781037.

4:THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS (T)
LOWER ASSAM ZONE

GUWAHATI- 781001.

5:THE CHIEF CONSERVATOR OF FORESTS
SOUTHERN ASSAM CIRCLE
SILCHAR
DISTRICT- CACHAR

ASSAM
PIN- 788001.

6:THE DIVISIONAL FOREST OFFICER
KARIMGANJ FOREST DIVISION
P.O.- KARIMGANJ
DISTRICT- KARIMGANJ
ASSAM

PIN- 788710.

7:THE RANGE OFFICER
SADAR RANGE
KARIMGANJ
P.O.- KARIMGANJ
DISTRICT- KARIMGANJ
ASSAM

PIN- 788710.

8:THE FINANCE DEPARTMENT
GOVT. OF ASSAM
REPRESENTED BY THE COMMISSIONER AND SECRETARY
ASSAM

DISPUR
GUWAHATI- 781006

Advocate for the Petitioner : MR S CHAUHAN, MR N ALAM,MR. P MAZUMDER

Advocate for the Respondent : SC, FOREST, SC, FINANCE

**BEFORE
HONOURABLE MR. JUSTICE NELSON SAILO**

ORDER

11.09.2024

1. Heard Mr. S. Chauhan, learned counsel for the petitioner and Mr. I. Borthakur, learned Standing Counsel for the Forest Department. Mr. A. Chaliha, learned counsel appears for the respondent no.8.

2. Having regard to the nature of the case projected by the petitioner, the writ petition is taken up for disposal at this stage with the consent of the learned counsels for the parties.

3. The petitioner has come before this Court for the second time. The earlier writ petition being WP(C) 6870/2017 was disposed of vide order dated 13.11.2017, by which this Court had directed the State respondents to examine the case of the petitioner and grant him the benefit as contained in paragraph-22 of the Writ Appeal 45/2014 (***State of Assam vs. Upen Das***).

4. It is the case of the petitioner that despite the said direction, the respondents have failed to grant him fixed pay w.e.f. 23.01.2001 and revise the same from time to time in the minimum scale of pay w.e.f. 01.08.2017, as directed by this Court in the case of ***Upen Das (supra)***.

5. The petitioner in support of his claim has also filed an additional affidavit,

by which he has annexed a communication dated 05.03.2024 made by the Divisional Forest Officer (in short DFO), Karimganj Division, Karimganj to the Principal Chief Conservator of Forest (in short PCCF) and Head of Forests Force, Assam enclosing the name of the two casual workers including the petitioner showing the petitioner to have been engaged from January 1993 and was still working on work-charged basis.

6. Considering the certification made by the DFO concern, this Court deems fit and appropriate to relegate the matter back to the PCCF, who shall place the same before the constituted Verification Committee to verify the claim of the petitioner to get the minimum scale of pay within a period of 3 (three) weeks from the date of receipt of a certified copy of this order. The Committee concerned upon getting all the relevant materials shall consider the claim of the petitioner and if the petitioner is found to be eligible to be given the minimum scale of pay, in view of rendering his work since the year 1993, consequential benefit should be given to him within a period of 1 (one) month thereafter.

7. With the above observations and directions, the writ petition stands disposed of.

8. Liberty is granted to the petitioner to submit a copy of the writ petition with all the annexures and any other documents in support of his claim before the PCCF along with the certified copy of this order.

JUDGE

Comparing Assistant