

GAHC010110622024



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

Case No. : WP(C)/2903/2024

THARKA BAHADUR MAGAR
S/O- LATE MANDHAJ MAGAR, R/O- GOPALPUR, P.O. SAGARPUR, P.S.
LALUK, DIST. LAKHIMPUR, ASSAM

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 COMMISSIONER AND SECRETARY TO THE GOVT. OF
ASSAM
FINANCE DEPARTMENT
DISPUR
GHY-6
ASSAM

3:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
FINANCE DEPARTMENT (EC-II)
DISPUR
GHY-6
ASSAM

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

5:THE ADDITIONAL SECRETARY TO THE GOVT. OF ASSAM
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT

DISPUR
GHY-6
ASSAM

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

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

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

9:THE JOINT DIRECTOR

O/O- THE COMMISSIONER PANCHAYAT AND RURAL DEVELOPMENT
DEPARTMENT
ASSAM
JURIPAR
PANJABARI
GHY-22
ASSAM

10:THE CHIEF EXECUTIVE OFFICER
LAKHIMPUR ZILA PARISHAD
LAKHIMPUR
P.O. AND PS. 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 KALYAN RAI SURANA**

ORDER

Date : 05-06-2024

Heard Mr. G.G. Gogoi, learned counsel for the petitioner as well as Mr. P. Handique, learned standing counsel for the P&RD department and Mr. R. Borpujari, learned standing counsel for the Finance department.

2. The case of the petitioner is that he is working as a peon-cum-chowkidaar as a casual worker without any break since his appointment order dated 20.01.1993. It was submitted that the monthly salary of Rs.4,500/- per month was fixed for those who were working prior to 31.03.2006. However, as the name of the petitioner was not included in the list, the petitioner and others has filed WP(C) 6209/2014 and this Court by order dated 01.12.2014 directed the respondent authorities to pay fix pay of Rs.4,500/- to the petitioner, if found entitled to.

3. As the order was not complied with, the petitioner has filed a contempt petition which was registered as Cont. Cas (C) no. 179/2015. However, as a speaking order dated 13.05.2015 was issued contempt petition was closed with liberty to the petitioner to challenge the speaking order dated 13.05.2015 if he is aggrieved by the same. Thereafter, the petitioner has filed WP(C) 5223/2015, which was disposed of by an order dated 31.05.2017, with a direction to release the salary of the petitioner. Owing to non-compliance again a contempt petition, which was registered as Cont. Cas (C) 11/2018, was filed. Thereafter, the respondent authorities had issued an order dated 14.12.2021, for release of monthly salary of the petitioner along with others. However, the

arrear salary of the petitioner from 01.04.2010 to 30.11.2018 and from 01.12.2018 to 28.02.2022 has not been released. Hence, this writ petition.

4. The learned standing counsel for the P&RD department has produced a copy of the letter dated 06.05.2024, issued by the Commissioner, P&RD Department, wherein by referring to order dated 20.03.2024 passed in WP(C) 1593/2024, the supporting records along with the verification report has been called for. Accordingly, it is submitted that as the petitioner has submitted a representation dated 27.02.2024, the writ petition can be disposed of with a direction to the Chief Executive Officer, Lakhimpur Zilla Parishad, Lakhimpur (respondent no.10) as well as to the Commissioner, Panchayat and Rural Development department (respondent no.6) to dispose of the said representation.

5. In view of the submissions made by the learned standing counsel for the P&RD Department, this writ petition stands closed with a direction to the Commissioner, Panchayat and Rural Development department (respondent no.6) to dispose of the representation of the petitioner dated 27.02.2024, preferably within a period of 6(six) weeks from the date of receipt of the certified copy of the order along with a copy of the writ petition.

6. If on inquiry the petitioner is found entitled to arrear salary as found due, the salary of the petitioner shall be released within an outer limit of 3(three) months thereafter.

7. Accordingly, this writ petition stands disposed of at the motion stage without issuance of notice on the respondents.

JUDGE

Comparing Assistant