

GAHC010113022015



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

**Case No. : WP(C)/179/2015**

KHAGENDRA BATHARI  
SUB-ENGINEER, GR.-I WORKS, PWD RandB, MAIBONG DIVISION,  
MAIBONG, DIST- DIMA HASAO, ASSAM, PIN-788831

VERSUS

THE STATE OF ASSAM AND 7 ORS  
REP. BY THE COMMISSIONER and SPECIAL SECY. TO THE GOVT. OF  
ASSAM, PWRD, DISPUR, GHY-6, ASSAM

2:THE COMMISSIONER and SECY.  
TO THE GOVT. OF ASSAM  
FINANCE ESTT.A DEPTT.  
DISPUR  
GHY-6  
ASSAM

3:THE ACCOUNTANT GENERAL AandE  
MAIDAMGAON  
BELTOLA  
GHY-29  
ASSAM

4:THE UNDER SECY.  
TO THE GOVT. OF ASSAM  
PWRD AUDIT BRANCH  
DISPUR  
GHY-6  
ASSAM

5:THE CHIEF ENGINEER  
PWD ROADS

ASSAM  
CHANDMARI  
GHY-13  
ASSAM

6:THE ADDL. CHIEF ENGINEER  
PLANNING  
PWDROADS  
ASSAM  
CHANDMARI  
GHY-13  
ASSAM

7:THE EXECUTIVE ENGINEER  
PWD RandB  
MAIBONG DIVISION  
MAIBONG  
DIST- DIMA HASAO  
ASSAM  
PIN-788831

8:SANJIB KUMAR DUTTA  
SUB-ENGINEER  
GR.-I WORKS  
PWD RandB  
MAIBONG DIVISION  
MAIBONG  
DIST- DIMA HASAO  
ASSAM  
PIN-78883

**Advocate for the Petitioner : MS. P DEVI**  
**Advocate for the Respondent : SC, AG**

**BEFORE**  
**HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR**

**ORDER**

**Date : 29.07.2024**

Heard Ms. J. Bezbaruah, learned counsel for the petitioner. Also heard Mr. P. Nayak, learned standing counsel, Finance Department, Government of Assam, and Ms. S. Barik, learned counsel, appearing on behalf of Mr. S. K. Medhi, learned CGC.

The petitioner, in the present proceeding, has raised a grievance with regard to the inaction on the part of the respondent authorities in not stepping up of his pay w.e.f. October, 1998, to the stage of pay as drawn by his junior i.e. respondent No. 8, herein.

It has been contended that although both the petitioner, herein, and the respondent No. 8, herein, were initially recruited as Section Assistants; it was the petitioner, herein, who was senior to the respondent No. 8, all along. The petitioner was thereafter promoted to the post of Sub-Engineer, Grade-II and thereafter to the post of Sub-Engineer, Grade-I, and in all these Grades, it was the petitioner, herein, who was senior to the respondent No. 8.

Accordingly, it is submitted that the pay of the petitioner was required to be stepped up to the stage at which the pay was so fixed in respect of respondent No. 8 on his promotion to the post of Sub-Engineer, Grade-II and the Sub-Engineer, Grade-I, respectively.

Mr. Nayak, learned standing counsel, Finance Department, has, by placing before this Court, the instruction received by him, submitted that a proposal with regard to the stepping up of the pay of the petitioner to the stage of pay that was being so drawn by the respondent No. 8, on receipt, was duly examined by the Finance Department and accordingly, having noticed that an anomaly had arisen in the matter; the Finance Department vide an endorsement, dated 09.01.2019, had accorded its No Objection to the proposal of stepping up of the pay of the petitioner to the post of Sub-Engineer, Grade-II, from Rs. 4390/- to Rs. 4720/- and to equalize the same with that of the respondent No. 8.

The above being the position, no further adjudication is called for in the matter and accordingly, basing on the said endorsement dated 09.01.2019, as given by the Finance Department, Government of Assam; the pay of the petitioner is hereby directed to be stepped up to the stage of pay as was drawn by the respondent No. 8, herein, on his promotion and thereafter, the arrears of pay that would become due to the petitioner, be so calculated and

released to the petitioner, at the earliest.

In view of the above, the respondents in the PWD, Government of Assam, is directed to take note of the endorsement, dated 09.01.2019, of the Finance Department and thereafter, on stepping up of the pay of the petitioner, to release to the petitioner his arrears so working-out within a period of 6(six) months from the date of receipt of a certified copy of this order.

On stepping up of the pay of the petitioner as directed hereinabove, the same would also call for a revision of the pension and pensionary benefits of the petitioner and the same be so done and the arrears so working out be released to the petitioner.

The copy of the communication, dated 22.07.2024, as produced by Mr. Nayak, learned standing counsel, Finance Department, is kept as a part of the record and marked as 'X' for identification.

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

**JUDGE**

**Comparing Assistant**