

GAHC010151862023



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

**Case No. : WP(C)/4044/2023**

RAKHI BASFOR  
W/O LATE AJIT BASFOR, R/O LALA TOWN, WARD NO. 2, P.O. AND P.S.-  
LALA, DIST- HAILAKANDI, ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS  
REPRESENTED BY THE COMMISSIONER AND SECRETARY, FINANCE  
DEPARTMENT TO THE GOVT. OF ASSAM, DISPUR, ASSAM, PIN-781006

2:THE DIRECTOR  
LAND RECORDS AND SURVEYS  
RUPNAGAR  
GUWAHATI-32

3:THE DEPUTY COMMISSIONER  
DISTRICT HAILAKANDI  
ASSAM

4:THE CIRCLE OFFICER  
LALA REVENUE CIRCLE  
LALA  
DIST- HAILAKANDI  
ASSA

**Advocate for the Petitioner : MR F Z MAZUMDER,**

**Advocate for the Respondent : SC, FINANCE, GA, ASSAM,SC, REVENUE**

**BEFORE  
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI**

**ORDER**

**19.08.2024.**

Heard Shri FZ Mazumdar, learned counsel for the petitioner. Also heard Shri CK Sarma Baruah, learned State Counsel, Assam as well as Shri J Handique, learned Standing Counsel, Revenue Department, Assam.

**2.** Considering that the pleadings have been exchanged and also the subject matter, this writ petition is taken up for disposal at the admission stage.

**3.** As per the facts projected, the petitioner was engaged as a part-time Sweeper in the Lala Circle Office on 17.12.2020 and claims to have been discharging her duties regularly. It is submitted that no monthly remuneration has been paid and on that issue, representations have been submitted on 02.06.2021 and 21.09.2021. It is also submitted by the learned counsel that the Circle Officer had duly forwarded the representation to the Deputy Commissioner, Hailakandi. However, remunerations have not been released and rather, the Deputy Commissioner has suggested the Circle Officer to move the Directorate of Land Records, Assam for budget allotment.

**4.** Shri Mazumdar, learned counsel for the petitioner has submitted that there is no dispute to the duties and services rendered by the petitioner as Sweeper and therefore, it is incumbent upon the respondent authorities to release her remuneration.

**5.** *Per contra*, Shri Sarma Baruah, learned State Counsel by drawing the attention of this Court to the affidavit-in-opposition filed on 20.11.2023 has submitted that there is no record in the office regarding such appointment. By referring to the averments made in paragraph 4 of the said affidavit, it is submitted that the engagement of the

petitioner as part-time Sweeper was purely local one for cleaning the ground floor and occasionally, the bath room. The remunerations were paid by willing contribution of the employee of the office and the arrangement was purely private one. He submits that mere forwarding of the representation of the petitioner by the then Circle Officer will not vest any right upon the petitioner.

**6.** Shri Handique, learned Standing Counsel, Revenue Department while endorsing the submissions of the learned State counsel has additionally submitted that the Director of Land Records, Assam would not have any significant role in this adjudication process.

**7.** Shri Mazumdar, learned counsel for the petitioner in his rejoinder has referred to a notification dated 31.08.2022 of the Labour Commissioner to substantiate his claim.

**8.** The rival submissions have been duly considered and the materials placed before this Court have also been carefully examined.

**9.** The claim is based on the engagement of the petitioner as Sweeper in the Lala Circle Office on 17.12.2020. Admittedly, there is no formal order of appointment. The affidavit-in-opposition filed by the respondent no. 4 has also clearly stated that there is no official record of any such engagement. There is, however, a candid disclosure that there has been an engagement of the petitioner by the employees to sweep the ground floor and also the bath room occasionally and the honorarium was paid on contribution willingly made by the employees. It is clearly stated that the arrangement was a local one which was made only to maintain cleanliness of the office. The engagement of the petitioner for the cleaning works cannot, by any stretch of imagination, be held to be any formal order of appointment. The arrangements appear to be a purely private one to maintain the cleanliness of the premises for which, the

payment has been made by willing contribution of the employees. Such arrangement cannot give any right to the petitioner to claim salaries from the Government coffers. If the petitioner is aggrieved by non-payment of any honorarium or remuneration for the period where she claims to have discharged her duties, she can approach the appropriate forum against those persons for whom, the services have been rendered but not against the State in absence of any order of appointment.

**10.** So far as reliance upon the notification dated 31.08.2022 of the Labour Commissioner is concerned, a reading of the same would clearly reveal that the same pertains to workman employed through contractors who are under the Minimum Wages Act, 1984 or not covered under the said Act. The said notification will not have any application in the present case.

**11.** In view of the above, this Court does not find any merit in this petition and accordingly, the same is dismissed.

**JUDGE**

**Comparing Assistant**