

GAHC010181312022



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

**Case No. : WP(C)/5980/2022**

SMT. DULUMANI DEKA  
W/O- LATE SUBHAS DEKA,  
R/O- VILLAGE CHINADI, P.O- CHINADI, PIN-781312,  
P.S- SARTHEBARI, DIST- BARPETA, ASSAM

VERSUS

THE STATE OF ASSAM AND 5 ORS.  
THROUGH THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT  
OF ASSAM, TRANSPORT DEPARTMENT, DISPUR, GUWAHATI-6

2:THE COMMISSIONER AND SECRETARY  
TO THE GOVERNMENT OF ASSAM  
FINANCE DEPARTMENT  
DISPUR  
GUWAHATI-6

3:THE DIRECTOR  
OF INLAND WATER TRANSPORT  
ASSAM  
ULUBARI  
GUWAHATI-7

4:THE EXECUTIVE ENGINEER

INLAND WATER TRANSPORT  
GUWAHATI DIVISION  
ULUBARI  
GUWAHATI-07

5:THE JUNIOR ENGINEER  
G/U FERRY SERVICE

IWT DEPARTMENT  
ASSAM  
GUWAHATI-01

6:THE JUNIOR ENGINEER  
K/L/M/K FERRY SERVICE  
IWT DEPARTMENT  
ASSAM  
PIN-78131

**Advocate for the Petitioner** : MD. A MATLIB

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

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

**ORDER**

**15-05-2024**

Heard Shri R. Mazumdar, learned counsel for the petitioner. Also heard Ms. M. D. Borah, learned Standing Counsel, Transport Department and Shri B. Gogoi, learned Standing Counsel, Finance Department.

**2.** Considering the subject matter in question and the instructions placed by the learned Standing counsel, Transport Department alongwith the enclosures, this writ petition is taken up for final disposal at the admission stage.

**3.** The facts projected are that the husband of the petitioner was engaged as a Muster Roll Worker in the Inland Water Transport Department and had continuously worked from 01.03.1995 to 04.09.2020 when he passed away. The grievance of the petitioner was with regard to the payment of minimum pay scale @ Rs.15,900/- (Rupees Fifteen Thousand Nine Hundred) and other allowances which was to be done pursuant to the judgment and order dated 08.06.2017 passed by the Hon'ble Division Bench of this Court in WA No.

45/2014 (State of Assam Vs Shri Upen Das).

4. Shri Mazumdar, the learned counsel for the petitioner has submitted that since the aforesaid minimum pay scale was not given along with the other allowances as per the judgment of **Upen Das** (supra) the instant petition has been filed. He submits that there is no dispute to the period of service rendered by the husband of the petitioner and his claim to the benefits as per the aforesaid case of **Upen Das** (supra).

5. On the other hand, Ms. Borah, the learned Standing Counsel has however submitted that all the installments have in the meantime been released to the petitioner. By placing before this Court written instructions dated 01.03.2024 along with the enclosures, the learned counsel has submitted that the correct rate of minimum pay scale has been calculated and paid to the petitioner. The learned Standing Counsel has also informed this Court that arrears of pay from 01.08.2017 to 30.11.2018 amounting to Rs.1,61,874/- (Rupees One Lakh Sixty One Thousand Eight Hundred Seventy Four) has already been released to the petitioner. It appears that the aforesaid bill is on 27.09.2022 just after filing of the writ petition which was on 9<sup>th</sup> September, 2022.

6. The Hon'ble Division Bench in the aforesaid case of **Upen Das** (supra) had made following observations on a concession made by the State.

*“22. It is, however, heartening to learn that the State Government has agreed not to terminate the Muster Roll, Work Charged and similarly placed employees working since last more than 10 years (not in sanctioned post) till their normal retirement, except on disciplinary ground or on ground of criminal offences. The State Government has also agreed to enlist such employees in Health and Accidental and Death Insurance Scheme, which will be prepared in consultation with the State Cabinet. We appreciate this positive stand of the State Government taken as welfare measures for the betterment and security of the employees, in question. We, accordingly, direct the State Government to implement the measures without further delay. Besides this, we,*

*in the light of decision of the Supreme Court in State of Punjab vs. Jagjit Singh, (2017) 1 SCC 148, also direct the State Government to pay minimum of the pay scale to Muster Roll workers, Work Charged workers and similarly placed employees working since last more than 10 years (not in sanctioned post) with effect from 1.8.2017."*

**7.** The documents placed on record by the learned Standing Counsel would show that the aforesaid minimum scale of pay has been released to the petitioner. Shri Gogoi, the learned Standing Counsel, Finance Department while endorsing the views expressed on behalf of the Transport Department has submitted that the documents would *prima facie* show that the direction passed in the case of ***Upen Das*** (supra) had been complied with.

**8.** On a specific query, Shri Mazumdar the learned counsel for the petitioner has however submitted that no specific instructions have been received by him in this regard.

**9.** Be that as it may, in view of the instructions mentioned above and the enclosures made therewith, this Court is of the opinion that the grievance of the petitioner has been redressed in the meantime and accordingly the writ petition is closed.

**JUDGE**

**Comparing Assistant**