

GAHC010210132024



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

Case No. : WA/391/2024

BIREN BORAH
S/O LATE TUWARAM BORAH, RESIDENT OF VILLAGE BELTOLA
(AMSHOI), PS RAHA, DIST NAGAON, ASSAM 782103

VERSUS

THE STATE OF ASSAM AND 5 ORS
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM, DISPUR, GHY-6,
DIST.- KAMRUP (M), ASSAM

2:THE CHIEF ENGINEER
PWD (ROADS)
ASSAM
CHANDMARI
GUWAHATI-3
DIST.- KAMRUP (M)
ASSAM

3:THE COMMISSIONER AND SECRETARY
FINANCE
GOVT. OF ASSAM
DISPUR
GHY-6
DIST.- KAMRUP (M)
ASSAM

4:THE EXECUTIVE ENGINEER
PWRD
DHAKUAKHANA TERRITORIAL ROAD DIVISION
GHILAMARA
DIST.- LAKHIMPUR
PIN- 787053

ASSAM

5:THE ACCOUNTANT GENERAL (A AND E)
MAIDAMGAON
BELTOLA
GHY-29

6:THE TREASURY OFFICER
LAKHIMPUR
ASSAM
PIN- 78700

For petitioner(s)/appellant(s) : Ms. St. Bokth, Advocate
Ms. D. Angana, Advocate

For respondent(s) : Mr. S. K. Medhi, Advocate

– BEFORE –

HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI
HON'BLE MR. JUSTICE KAUSHIK GOSWAMI

18.12.2024

(Vijay Bishnoi, CJ)

This intra-court appeal is filed by the appellant being aggrieved with the order dated 07.06.2024, passed by the learned Single Judge in 2065/2023.

The appellant approached the writ court by filing the above-referred writ petition with the grievance that despite regularization of his services vide order dated 10.02.2022, passed by the Executive Engineer PWRD, Dhakuakhana Territorial Road Division, the respondents have not granted pensionary benefits to the appellant after his retirement from service on 28.02.2022 on attaining the age of superannuation.

The claim of the appellant was resisted by the respondents claiming that the order dated 10.02.2022 regularising the services of the appellant was passed by the Executive Engineer, who is not competent to pass such order, that too, without prior approval of the Finance Department.

The learned Single Judge, after taking into consideration the above fact situation, has come to the conclusion that since the regularization of the services of the

appellant was not in accordance with law, it cannot be deemed that his services had been regularized and on account of that he is not entitled to the pensionary benefits as payable to a regular employee.

Learned counsel appearing for the appellant has failed to persuade us to take a different view than the view as has been taken by the learned Single Judge.

It is noticed that the learned Single Judge has already observed that the appellant being a Casual Worker, would be entitled to get payment of gratuity and other retiral benefits, if any, in accordance with law.

Hence, we do not find any case for interference. Accordingly, the writ appeal is dismissed.

JUDGE

CHIEF JUSTICE

Comparing Assistant