

GAHC010228342015



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

Case No. : WP(C)/3851/2015

ALL MIDDLE SCHOOLS L.D.A. EMPLOYEES ASSOCIATION, BAC/BTC. and 2
ORS
HEAD OFFICE KOKRAJHR, DIST.- KOKRAJHAR BTC, ASSAM, REP. BY ITS
PRESIDENT AND GENERAL SECY.

2: AMIT CH. BRAHMA
S/O- LT. LACHURAM BRAHMA
VILL.- WEST DANGARKUTI
P.O. and P.S.- DOTMA
DIST.- KOKRAJHR
BTC
ASSAM.

3: GAYARAM BASUMATARY
S/O- LT. JIRENDRA BASUMATARY
VILL.- BAOTI
P.O. and P.S.- DOTMA
DIST.- KOKRAJHAR
BTC
ASSAM

VERSUS

THE BODOLAND TERRITORIAL COUNCIL and 7 ORS
REP. BY THE PRINCIPAL SECY., BTC., BODOFA NWGWR, KOKRAJHAR.

2: THE SECY. TO THE BODOLAND TERRITORIAL COUNCIL
BODOFA NWGWR
KOKRAJHAR.

3: THE DIRECTOR OF EDUCATION
BODOLAND TERRITORIAL COUNCIL
KOKRAJHAR
BTC
ASSAM.

4:THE STATE OF ASSAM
REP. BY THE ADDL. CHIEF SECY. TO THE GOVT. OF ASSAM
WELFARE OF PLAIN TRIBES and BACKWARD CLASSES DEPTT.
DISPUR GHY- 6.

5:THE COMMISSIONER and SECY. TO THE GOVT. OF ASSAM
WELFARE OF PLAIN TRIBES and BACKWARD CLASSES DEPTT.
DISPUR GHY- 6.

6:THE COMMISSIONER AND SECY. TO THE GOVT. OF ASSAM
EDUCATION ELEMENTARY DEPTT.
DISPUR GUWAHATI.

7:THE DIRECTOR OF ELEMENTARY EDUCATION
ASSAM KAHILIPARA GHY- 19.

8:THE COMMISSIONER AND SECY. TO THE GOVT. OF ASSAM
FINANCE DEPTT. DISPUR GHY- 6

Advocate for the Petitioner : MS.S TETLA
Advocate for the Respondent : MR.A K BHUYANR1-3

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 08.01.2024

Heard Mr. M. Sarania, learned counsel, appearing on behalf of the petitioners.

Also heard Ms. R. B. Borah, learned counsel, representing the respondents No. 1, 2 & 3; Ms. D. D. Barman, learned Addl. Senior Government Advocate, appearing on behalf of respondents No. 4 & 5; and Mr. P. K. Borah, learned standing counsel, appearing on behalf of respondents No. 6 & 7. However, none appears on behalf of respondent No. 8.

The petitioners by way of instituting the present writ petition, have raised a grievance with regard to non-payment of their arrear salaries for the period they had served as Lower Division Assistants. The petitioners were initially appointed as LD Assistants in various schools under the erstwhile Bodoland Autonomous Council. The services of the petitioners were so engaged at a monthly remuneration initially for Rs. 1000/- which was to be paid out of the Council fund allotted in the education sector. The petitioners had joined their services on different dates in the year 1997-1998 and it is contended that since their dates of initial appointment, they were continuously serving as LD Assistants in the schools to which they were so appointed till 12.11.2004, on which date, their services were terminated.

It is the contention of the petitioners that persons similarly situated like them, who had initially instituted proceedings before this Court, were favourably considered by the respondent authorities and the payments due to them for the period they had so worked, were released to them. However, on account of the fact that the petitioners, herein, had not moved before this Court and there were no orders from this Court in their cases requiring consideration of the matter, the respondent authorities more particularly, the Director of Education, BTC, had refused to consider the cases of the petitioners and release the amounts due to them on account of their services rendered by them.

In view of the said position and also noticing that persons similarly situated like the petitioners working as LD Assistants recruited and terminated along with the petitioners have been paid their remuneration, in pursuance to

the directions passed by this Court, the present writ petition also stands disposed of by directing the petitioners, herein, to submit individual representations before the Director of Education, BTC, and therein, disclosing their details of services rendered by them along with the relevant documents and the amounts receivable. The Director of Education, BTC, on receipt of such representation from the petitioners along with a certified copy of this order, shall verify the facts that have been stated in the said representation and on coming to a conclusion that the petitioners had in fact worked from the date of their initial appointments till the date, their services were so terminated, take steps for release to them remunerations which they were promised at the time of their respective appointments.

The said exercise shall be initiated and carried-out within a period of 3(three) months from the date of receipt of the representations from the petitioners along with a certified copy of this order. In the event, the Director of Education, BTC, upon verification of the particulars submitted by the petitioners, comes to an adverse conclusion with regard to all or any of the petitioners, such petitioners shall be intimated about the specific reasons on which his case of release of his remuneration was rejected, by passing a speaking order in respect of each of such petitioners.

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

JUDGE

Comparing Assistant