

GAHC010240072024



2024:GAU-AS:12633

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

Case No. : I.A.(Civil)/3653/2024

HIRAKJYOTI SARMA AND 6 ORS
S/O SHRI BHABESH SARMA, R/O PACHARIA, P.O.-PACHARI, P.S.-HAZO,
DIST- KAMRUP (R), ASSAM. BY PROFESSION - DAILY WAGES FARM HAND
LABOURER BEING DULY APPOINTED/ENGAGED BY THE DIRECTOR,
ANIMAL HUSBANDRY AND VETERINARY, ASSAM, CHENIKUTHI,
GUWAHATI-781003 VIDE HIS ORDER UNDER MEMO NO. DVP.
288/CONTRACTUAL STAFF/2019-1916-A DATED 12.11.2021

2: RIPUNJAY DAS
S/O SHRI JADAB CHANDRA DAS
R/O KHANAPARA DAIRY GATE
P.O.-KHANAPARA
P.S.-DISPUR
GUWAHATI-781022
DIST- KAMRUP (M)
ASSAM. PRESENTLY WORKING AS WAGES FARM HAND LABOURER
UNDER THE AUTHORITY OF THE DIRECTOR OF ANIMAL HUSBANDRY
AND VETERINARY
ASSAM
CHENIKUTHI
GUWAHATI-781003

3: SMTI PINKY DAS
D/O SHRI ANANTA DAS
R/O NAHIRA
P.O. NAHIRA
P.S. PALASHBARI
DIST- KAMRUP
ASSAM. PRESENTLY WORKING AS DAILY WAGES FARM HAND
LABOURER BEING DULY APPOINTED/ENGAGED BY THE DIRECTOR OF
ANIMAL HUSBANDRY AND VETERINARY
ASSAM
CHENIKUTHI
GUWAHATI-781003 VIDE HIS OFFICE ORDER DATED 12.11.2021

4: DEEP DEKA
S/O SHRI HALI RAM DEKA
R/O VILL- ALTA
P.O.-BAIHATA
P.S.-KAMALPUR
DIST- KAMRUP
ASSAM
PIN-781380. PRESENTLY WORKING AS FARM HAND WAGES LABOUR
FROM NOVEMBER
2021 BEING APPOINTED/ENGAGED AS SUCH BY THE DIRECTOR OF
ANIMAL HUSBANDRY AND VETERINARY
ASSAM
CHENIKUTHI
GUWAHATI-781003 VIDE HIS ORDER DATED 12.11.2021

5: JITUMONI BARMAN
S/O LATE ARABINDA BARMAN
R/O VILL- HENGRABARI
P.O.-DISPUR
GUWAHATI-781036
DIST- KAMRUP (M)
ASSAM. PRESENTLY WORKING AS FARM HAND DAILY WAGES
LABOURER UNDER THE DIRECTOR OF ANIMAL HUSBANDRY AND
VETERINARY
ASSAM
CHENIKUTHI
GUWAHATI-781003 BEING DULY APPOINTED/ENGAGED BY THE
DIRECTOR OF ANIMAL HUSBANDRY AND VETERINARY
ASSAM
CHENIKUTHI
GUWAHATI-781003 VIDE HIS ORDER DATED 12.11.2021

6: KAMAL DAS
S/O SHRI RAJAT DAS
R/O KENDUKUCHI
AZARA
P.O.-BHATTAPARA
PIN-781017
P.S.- AZARA
DIST- KAMRUP (M)
ASSAM. PRESENTLY WORKING AS FARM HAND DAILY WAGES
LABOURER UNDER THE ANIMAL HUSBANDRY AND VETERINARY
DEPARTMENT
GOVERNMENT OF ASSAM
BEING DULY APPOINTED/ENGAGED BY THE DIRECTOR OF ANIMAL
HUSBANDRY AND VETERINARY
ASSAM

CHENIKUTHI
GUWAHATI-781003 VIDE HIS OFFICE ORDER MEMO NO.
DVP/288/CONTRACTUAL STAFF/2019/1916-A DATED 12.11.2021

7: ARUP DAS
S/O RAJAT DAS
R/O BHATTAPARA (GARAL)
P.O.-BHATTAPARA
PIN-781017
P.S.- AZARA
DIST- KAMRUP (M)
ASSAM. PRESENTLY WORKING AS FARM HAND WAGES LABOURER
UNDER THE ANIMAL HUSBANDRY AND VETERINARY DEPARTMENT
GOVERNMENT OF ASSAM
BEING DULY ENGAGED AND/OR APPOINTED AS SUCH BY THE DIRECTOR
OF ANIMAL HUSBANDRY AND VETERINARY
ASSAM VIDE HIS OFFICE ORDER DATED 12.11.202

VERSUS

THE STATE OF ASSAM AND 6 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT OF
ASSAM, ASSAM SECRETARIAT, DISPUR, P.O.- ASSAM SACHIVALAYA,
DISPUR, P.S.- DISPUR, GUWAHATI-781006, DIST- KAMRUP (M), ASSAM

2:THE PRINCIPAL SECRETARY
GOVERNMENT OF ASSAM
ANIMAL HUSBANDRY AND VETERINARY DEPARTMENT
ASSAM SACHIVALAYA
DISPUR
P.S.-DISPUR
GUWAHATI-781006
DIST- KAMRUP (M)
ASSAM

3:THE COMMISSIONER AND SECRETARY
GOVERNMENT OF ASSAM
ANIMAL HUSBANDRY AND VETERINARY DEPARTMENT
ASSAM SACHIVALAYA
DISPUR
P.S.-DISPUR
GUWAHATI-781006
DIST- KAMRUP (M)
ASSAM

4:THE DIRECTOR
ANIMAL HUSBANDRY AND VETERINARY
ASSAM

CHENIKUTHI
P.O.-CHENIKUTHI
P.S.-CHANDMARI
DIST- KAMRUP (M)
ASSAM

5:THE CHAIRMAN
SELECTION COMMITTEE CUM D.V.O. (DISTRICT VETERINARY OFFICER)
KAMRUP
C/O THE DIRECTOR OF ANIMAL HUSBANDRY AND VETERINARY
ASSAM
CHENIKUTHI
GUWAHATI-781003
P.S.- CHANDMARI
DIST- KAMRUP (M)
ASSAM

6:M/S BIPICIRI
GROUND FLOOR
SANTIPUR HILL SIDE
SANTIPUR
GUWAHATI-781009
DISTRICT KAMRUP METRO
ASSAM

7:THE COMMISSIONER AND SECRETARY

GOVERNMENT OF ASSAM
FINANCE DEPARTMENT
ASSAM SACHIVALAYA
DISPUR
GUWAHATI-781006 DISTRICT KAMRUP METRO
ASSA

Advocate for the Petitioner : MR. CHARAN DEKA, MR. L Deka

Advocate for the Respondent : GA, ASSAM, MS. M M KOTOKY, SC A H AND V DEPT.

**BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI**

ORDER

Date : 13.12.2024

Heard Mr. Charan Deka, learned counsel for the applicants. Also heard Ms. M.M. Kotoky, learned Standing Counsel for AH & V Department.

2. By way of this application, the applicant seeks for impleadment of (1) M/ (supra) BIPICIRI, Ground Floor, Santipur Hill Side, Santipur, Guwahati, Kamrup (Metro), Assam, PIN-781009 and (2) the Commissioner and Secretary to the Government of Assam, Finance Department, Assam Secretariat, Dispur, Guwahati-781 006 as arrayed party respondent Nos. 6 and 7.

3. Perusal of the application reveals as hereunder:-

“That the Applicants have filed the abovementioned Writ Petition (Civil) No. 5503/2024 before this Hon'ble Court praying for payment of pay (non-paid wages) for the period from 01.03.2023 to 31.03.2023, from 01.01.2024 to 10.03.2024 and from 01.05.2024 onwards immediately and also (ii) to fill up vacancies of Grade - IV posts by regularising the service of the Petitioners against any of those vacant posts of Grade - IV employees or by fresh appointment protecting retrospectively their past service they have rendered so far as daily wage Farm House recall labourers and also (iii) to cancel/withdraw and/or otherwise forbear from giving effect to the Agreement (Annexure - 6 to the Writ Petition) reached between the Director of Animal Husbandry and Veterinary, Assam called the 1st party and M/s BIPICIRI, Ground Floor, Santipur Hill Side, Santipur, Guwahati, Kamrup (Metro), Assam, PIN - 781009 called the 2nd Party regarding Manpower Outsourcing services wherein it has been agreed that the Bidder should provide 178 Nos. of Farm Hand Workers as per the list provided. The Farm Hands to be procured initially for 11 months (from the date of work issued) and extension may be awarded by the Director of Animal Husbandry and Veterinary, Assam upto another two term (11 months each) on satisfactory performance evaluated by the Director of Animal Husbandry and Veterinary, Assam.

2. That in the said Agreement it is also said that he buyer shall have the right to terminate this contract in part or in full if the Seller is declared bankrupt or becomes insolvent. It appears that the said Agreement is against the interest of the Petitioners and is anti-workers and/or bar to continuance of their present Government service which the Petitioners are expecting to be regularised against the vacant posts of Grade IV employees still lying vacant under the disposal of the Director of Animal Husbandry and Veterinary, Assam.”

4. Reading of the aforesaid averment, it is apparent that the aforesaid

respondents are required to be impleaded as party respondents for effective adjudication of the matter.

5. Ms. M.M. Kotoky, learned Standing counsel does not object to the same.

6. Having heard the learned counsels as stated above, (1) M/(supra) BIPICIRI, Ground Floor, Santipur Hill Side, Santipur, Guwahati, Kamrup (Metro), Assam, PIN-781009 and (2) the Commissioner and Secretary to the Government of Assam, Finance Department, Assam Secretariat, Dispur, Guwahati-781 006 are impleaded as respondent Nos. 6 and 7 respectively in WP(C) No. 5503 of 2024.

7. Let amended cause title be submitted to the Registry to do the needful.

The IA is accordingly disposed of.

JUDGE

Comparing Assistant