

GAHC010250352014



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

**Case No. : WP(C)/3036/2014**

SMTI PRAGATI DEKA and ANR.  
AGED ABOUT 29 YEARS, W/O SRI ARNAB SAIKIA R/O BOKAKHAT TOWN,  
WARD NO. 4, BOKAKHAT, DIST. GOLAGHAT, ASSAM.

2: SRI BROJEN GOGOI  
AGED ABOUT .... YEARS S/OLT. BUDHESWAR GOGOI R/O UDAI NAGAR  
WARD NO. 1  
BOKAKHAT  
DIST. GOLAGHAT  
ASSAM

VERSUS

THE STATE OF ASSAM AND 6 ORS  
REP. BY THE SECRETARY TO THE DEPARTMENT OF MUNICIPAL  
ADMINISTRATION, DISPUR, GUWAHATI-6.

2:THE DIRECTOR

MUNICIPAL ADMINISTRATION  
ASSAM  
GUWAHATI-6  
DIST. KAMRUP M  
ASSAM.

3:THE DIRECTOR

FINANCE ECONOMIC AFFAIRS DEPARTMENT  
ASSAM  
GUWAHATI-6  
DIST. KAMRUP M  
ASSAM.

4:THE DEPUTY COMMISSIONER

DIST. GOLAGHAT  
ASSAM.

5:THE SUB-DIVISIONAL OFFICER CIVIL  
BOKAKHAT  
DIST. GOLAGHAT  
ASSAM.

6:THE CHAIRMAN  
BOKAKHAT WON COMMITTEE  
BOKAKHAT  
DIST. GOLAGHAT  
ASSAM.

7:SRI SAILEN SAIKIA  
S/O NOT KNOWN THE CHAIRMAN BOKAKHAT TOWN COMMITTEE  
BOKAKHAT  
DIST. GOLAGHAT  
ASSAM

**Advocate for the Petitioner : MR.B K KAR**

**Advocate for the Respondent :**

**BEFORE  
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR**

**ORDER**

**Date : 02.04.2024**

None has appeared for the petitioners on call.

Heard Mr. B. Deori, learned Junior Government Advocate representing the respondents no. 1, 2, 4 & 5.

**3.** The petitioners by way of instituting the present proceeding have presented a challenge to the communications both dated 17.05.2014, by which their services were terminated by the Bokakhat Town Committee,

Bokakhat on the ground that the petitioners had instituted proceedings before this Court, praying for release of their salaries. The communications dated 17.05.2014 being similar, the communication as issued to the petitioner no. 1 is extracted herein below:-

“No. BTC(P)21/2014/2617

Dtd. 17/05/14

To,

Smt. Pragati Deka,  
Jr. Assistant/Computer Assistant,

Bokakhat Town Committee.

This is hereby notified you that on 15/05/14 the executive committee meeting of the Bokakhat Town Committee which was held in connection with the commission of an offence for instituting cases in the High Court along with the budget sought for the monthly salaries by the Commissioner of the Municipal Administration vide letter No. DMAP/2014/16 dtd. 04/04/14 of the employees appointed up-to 31/03/08 at Bokakhat Town Committee. Therefore, until your monthly salaries are released by the Government, you are hereby terminated from services from 17/05/14.

Sd/-  
Sailen Saikia,  
Bokakhat Town Committee,  
Bokakhat.”

**4.** It is seen that the petitioner no. 1 was appointed vide the communication dated 20.02.2012 issued by the Chairman, Bokakhat Town Committee, Bokakhat as a Junior Assistant /Computer Assistant in the establishment of the said committee in pursuance to resolutions as adopted by the Board. The petitioner no. 2 was also appointed as a Chowkidar in the establishment of the said committee as per the resolutions adopted by the said Board on 15.02.2012. The petitioners were thereafter serving in their

respective posts, however, their salaries not being released which led the petitioners to institute WP(C)/1517/2014 and WP(C)/1528/2014 before this Court, praying for a direction upon the respondent authorities to release their arrears salaries as well as for payments of the current salaries.

**5.** This Court, vide order dated 28.03.2014, while issuing notices in the said matters was pleased to observed that the pendency of the proceedings would not be a bar to the respondents, more particularly, the Bokakhat Town Committee, Bokakhat to release the current monthly salaries of the petitioners.

**6.** It is seen that on receipt of notices from this Court in the said two writ petitions, the communications dated 17.05.2014 came to be issued to the petitioners and their services were terminated w.e.f. 17.05.2014. Being aggrieved the present proceeding has to be instituted before this Court.

**7.** It is seen that this Court while issuing notices in the present matter, vide order dated 20.06.2014, was pleased to stay the effect and operation of the impugned orders dated 17.05.2014. Although, an application for vacating the said interim directions was filed in the form of IA(C)/1543/2014, the said Interlocutory application came to be dismissed on 25.11.2020 for non-prosecution. Thereafter, the Bokakhat Town Committee, Bokakhat had not preferred any written statement in the matter. This Court has also not apprised as to whether in pursuance to the directions as passed by this Court vide order dated 20.06.2014, the petitioners have been re-instated in their services or not.

**8.** In the above view of the matter and considering the ground on which the petitioners services came to be terminated, i.e. for the reasons of

approaching this Court by way of instituting WP(C)/1517/2014 and WP(C)/1528/2014, and the above ground being not sustainable inasmuch as the petitioners have by instituting proceedings before this Court, invoked the constitutional rights vested in each citizen of the country to have their grievances redressed by making an approach to this Court, the communications dated 17.05.2014 in respect of the petitioner no. 1 and petitioner no. 2 herein stands interfered with.

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

**JUDGE**

**Comparing Assistant**