

GAHC010018082022



undefined

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

Case No. : WP(C)/837/2022

BIJOYA DAULAGAPU
W/O- LATE BABULAL BARMAN, R/O- DONGJEN RAZI VILLAGE, P.S-
UMRANGSO, DIST- DIMA HASAO, ASSAM, PI-788931

VERSUS

THE STATE OF ASSAM AND 5 ORS
THROUGH THE SECRETARY TO THE GOVERNMENT OF ASSAM, PUBLIC
HEALTH ENGINEERING DEPARTMENT, DISPUR, GUWAHATI-781006

2:SECRETARY
TO THE GOVERNMENT OF ASSAM
PUBLIC HEALTH ENGINEERING DEPARTMENT
HENGRABARI
GUWAHATI-781036

3:THE CHIEF ENGINEER
PUBLIC HEALTH ENGINEERING DEPARTMENT
ASSAM
HENGRABARI
GUWAHATI-781036

4:THE EXECUTIVE ENGINEER
PUBLIC HEALTH ENGINEERING
UMRANGSO DIVISION
UMRANGSO ASSAM

5:THE ACCOUNTANT GENERAL
(A AND E)
ASSAM
MAIDAMGAON
BELTOLA

GUWAHATI-29

6:THE COMMISSIONER AND SECRETARY
FINANCE DEPARTMENT
ASSAM
DISPUR
GUWAHATI-06

7:THE STATE OF OF ASSAM
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM
PUBLIC HEALTH ENGINEERING DEPARTMENT
DISPUR
ASSAM
GUWAHATI-6

8:THE COMMISSIONER AND SECRETARY TO THE GOVT OF ASSAM

PENSION AND PUBLIC GRIEVANCES DEPARTMENT
DISPUR
GUWAHATI-6

9:THE PRINCIPAL SECRETARY

DIMA HASAO AUTONOMOUS COUNCIL
HAFLONG
DIST. DIMA HASAO
ASSAM

Advocate for the Petitioner : MR. N SARKAR, MR N M DEKA,MR P K BASU

Advocate for the Respondent : SC, P H E, MR. S K MEDHI (r-5),SC, DIMA HASAO
AUTONOMOUS DISTRICT COUNCIL,SC, FINANCE,SC, AG (A AND E)

Linked Case : WP(C)/5870/2024

BIJOYA DAULAGUPU
W/O- LATE BABULAL BARMAN

RESIDENT OF - DONGJEN RAZI VILLAGE

POLICE STATION- UMRANGSO

DISTRICT- DIMA HASAO
ASSAM

PIN- 788931.

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO PUBLIC
HEALTH ENGINEERING DEPARTMENT

DISPUR
ASSAM
GUWAHATI-06.

2:THE COMMISSIONER AND SECRETARY
FINANCE DEPARTMENT
ASSAM
DISPUR
GUWAHATI-06.

3:SECRETARY TO THE GOVERNMENT OF ASSAM
PUBLIC HEALTH ENGINEERING DEPARTMENT
HENGRABARI
GUWAHATI- 36.

4:THE CHIEF ENGINEER (PUBLIC HEALTH ENGINEERING)
ASSAM
HENGRABARI
GUWAHATI-36.

5:THE EXECUTIVE ENGINEER (PUBLIC HEALTH ENGINEERING)
UMRANGSO DIVISION
UMRANGSO
ASSAM. THE PRINCIPAL SECRETARY
DHAC.

6:THE ACCOUNTANT GENERAL (A AND E)
ASSAM
MAIDAMGAON
BELTOLA
GUWAHATI-29.

Advocate for : MR. N SARKAR

Advocate for : SC

P H E appearing for THE STATE OF ASSAM AND 5 ORS

Linked Case : WP(C)/6180/2024

SADHAN HOJAI
C/O- LATE RAIJOMONI HOJAI
R/O- VTC
UMRANGSO LAKE SIDE
P.S. UMRANGSO
SUB. DIV.- HAFLONG
DIST. DIMA HASAO
ASSAM
PIN- 788931.

VERSUS

THE STATE OF ASSAM AND 9 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM
PUBLIC HEALTH ENGINEERING (PHE) DEPARTMENT
DISPUR
ASSAM
GUWAHATI-781006.

2:THE SECRETARY TO THE GOVERNMENT OF ASSAM
PUBLIC HEALTH ENGINEERING DEPARTMENT
HENGRABARI
GUWAHATI-781036.

3:THE CHIEF ENGINEER PUBLIC HEALTH ENGINEERING DEPTT.

HENGRABARI
ASSAM
GHY-781036.

4:THE PRINCIPAL SECRETARY (T)
DIMA HASAO AUTONOMOUS COUNCIL
HAFLONG
ASSAM
PIN- 788819.

5:THE ADDITIONAL CHIEF ENGINEER
PUBLIC HEALTH ENGINEERING
HAFLONG
DIMA HASAO
PIN- 788819.

6:THE EXECUTIVE ENGINEER
PUBLIC HEALTH ENGINEERING DEPARTMENT
UMRANGSO DIVISION
UMRANGSO
DIMA HASAO
ASSAM
PIN- 788931.

7:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
FINANCE DEPARTMENT
ASSAM
DISPUR
GHY-781006.

8:THE ACCOUNTANT GENERAL (A AND E)
ASSAM
MAIDAMGAON
BELTOLA
GHY-781029.

9:THE JOINT SECRETARY TO THE GOVT. OF ASSAM
HILLS AREA DEPARTMENT
DISPUR
GHY-781006.

10:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
PENSION AND PUBLIC GRIEVANCES DEPARTMENT
DISPUR
GHY-781006.

Advocate for : MR. N SARKAR
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND 9 ORS

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

12.02.2026

Heard Mr. N. Sarkar, learned counsel petitioners. Also heard Mr. B. Sarma, learned Standing Counsel, Accountant General in WP(C) No. 5870/2024; Mr. S.K. Medhi, learned Standing Counsel, Accountant General in WP(C) No.6180/2024;

Mr. A. Chakrabarty, learned Government Advocate for the State respondents.; Ms. P. Seyie, learned counsel appearing on behalf of Mr. R.M. Das, learned counsel for the respondent No.4 in WP(C) No.837/2022; and for the respondents Nos. 4, 5 and 6 in WP(C) No.6180/2024; and Mr. R. Borpujari, learned Standing Counsel, Finance Department.

2. The writ petitioner in WP(C) No. 5870/2024 and WP(C) No.837/2022 claims to be the wife of Late Babulal Barman who had been initially engaged as a Khalasi on 28.11.1987. Subsequently, he was upgraded from Work Charged Section Assistant (in short S.A.) in the Office of the Executive Engineer (PHE) Umrangso Division w.e.f. 06.05.1999 and had died on 27.05.2019. The petitioner in WP(C) No. 6180/2024 initially appointed as a Work Charged Khalasi on 23.06.1982 in the Office of the Executive Engineer, Public Health Engineering (PHE), Umrangso Division, Umrangso in Dima Hasao, Haflong vide Memo No.PHEE/Estt-2/82-83/1298-303, dated 23.06.1982. The petitioner accordingly joined in the Office of the Assistant Executive Engineer (PHE) Umrangso Sub-Division Department, Umrangso on 01.07.1982.

3. In the year 2005, the Government had accorded sanction for the creation of a specified number of posts in order to regularize the services of those Work Charge workers who were engaged prior to the cutoff date of 01/04/1993. Accordingly, a list of eligible workers was prepared and forwarded to the Office of the Accountant General. The name of the petitioner in WP(C) No.6180/2024 appeared at Sl. No. 21 of the said list, confirming that his services were duly regularized.

4. However, the respondent authorities subsequently issued an impugned notification dated 10.02.2026, cancelling the regularization of the petitioners services. The said cancellation of regularization was never communicated to the petitioners. Being aggrieved, the petitioners have approached this Court.

5. The learned counsel for the petitioners submits that the cancellation was based on an erroneous assumption. He submits that since the petitioner's husband in WP(C) No. 5870/2024 and WP(C) No.837/2022 and petitioner in WP(C) No.6180/2024 have been in continuous service since their initial date of appointment, they clearly falls within the ambit of the regularization policy. The learned counsel for the petitioners submits that the impugned order is arbitrary, illegal, and ignores the petitioner's total length of service.

6. The learned counsel for the respondents does not dispute the contentions raised by the petitioners. If that is the case, there can be no doubt that the petitioners initial appointment predates the cutoff of 01/04/1993. Consequently, their services were correctly regularized in the first instance.

7. The mere fact that the cancellation of their regularization based only on the later date is, on the face of the record factually incorrect and legally unsustainable.

8. The learned counsel for the petitioner made reference in this case to the judgment of the this Court in *Bijon Hapila vs. The State of Assam and 7 Ors* in WP(C) No.1231/2022 & in *Haya Nampui vs. The State of Assam and 6 Ors* in WP(C) No.5053/2024.

9. Having heard the learned counsel for the parties and upon perusal of the pleadings available as well as the judgments pressed into service, whereby the impugned circulars were set aside and however, those were only set aside for the respective petitioners therefore, this Court is in agreement with conclusions arrived at by the Co-ordinate Benches accordingly, this writ petition is allowed. The impugned order dated 10.02.2006 stands set aside. The respondents are directed to release the arrears as also the pension benefits by putting a proper proposal along with all necessary documents before the Accountant General. Upon receipt of the proposal the Accountant General will endeavour to release the same as expeditiously as possible.

10. If any regularization order is necessary to be passed then the same shall also be passed by the respondent authorities.

11. In terms of the above these writ petitions stand disposed of.

JUDGE

Comparing Assistant