

GAHC010041292026



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

Case No. : WP(C)/1384/2026

APARAJITA CHANGKAKATI
DAUGHTER OF LATE NABIN CHANGKAKATI, RESIDENT OF MADHYAM
KHANDA, NORTH GUWAHATI, P.O. AND P.S. NORTH GUWAHATI, DIST.-
KAMRUP (M), ASSAM,, 781030

VERSUS

THE STATE OF ASSAM AND 6 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, WATER RESOURCES DEPARTMENT, DISPUR,
GUWAHATI-6

2:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
ASSAM
FINANCE DEPARTMENT
DISPUR

GUWAHATI-6

3:THE ADDITIONAL CHIEF SECRETARY TO THE GOVERNMENT OF ASSAM
WATER RESOURCES DEPARTMENT ASSAM SACHIVALAYA DISPUR
GUWAHATI- 781006

4:THE CHIEF ENGINEER
WATER RESOURCES DEPARTMENT BASISTHA GUWAHATI DISTRICT-
KAMRUP ASSAM
PIN- 781029

5:THE ADDITIONAL CHIEF ENGINEER
LOWER ASSAM ZONE WATER RESOURCES DEPARTMENT BASISTHA
GUWAHATI ASSAM PIN- 781029

6:THE EXECUTIVE ENGINEER
GUWAHATI WEST WATER RESOURCE DIVISIONS BHARALUMUKH
GUWAHATI

PIN- 781009

7:THE SUB DIVISIONAL OFFICER
RANGIA WATER RESOURCES DEPARTMENT DISTRICT- KAMRUP ASSAM
PIN- 78130

Advocate for the Petitioner : MR. D DEKA, MR N ALI,MR I HUSSAIN

Advocate for the Respondent : SC, WATER RESOURCE, SC, FINANCE

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

11.03.2026

Heard Shri D. Deka, learned counsel for the petitioner. Also heard Ms. P Seyie, learned counsel for the respondents No. 1, 3, 4, 5, 6 & 7 and Ms. A Barthakur, learned counsel for the respondent No. 2.

2. This writ petition has been filed by the petitioner claiming for the minimum pay scale in terms of a judgment and order dated passed by this Court in WA 45/2014 (State of Assam and Ors. vs. Upen Das & Ors.).

3. The case of the petitioner is that the petitioner has been serving as a Muster Roll Worker under the Water Resources Department, Government of Assam since 01.07.1993. The petitioner has rendered more than 32 years continuous service without any break and has been discharging her duties diligently to the satisfaction of the competent authorities. It is the case of the petitioner she is entitled to get the benefit of minimum pay scale in terms of the decision rendered by a Division Bench of this Court in *State of Assam Vs Shri*

Upen Das reported in 2020 (5) GLT 605.

4. The learned counsel for the petitioners submits that the respondents have duly admitted that the petitioner has been rendering her services in the Water Resources Department since 1993. Therefore, the learned counsel for the petitioner submits that since there is no dispute, a direction may be issued to the respondent authorities to pay the petitioner a minimum scale of pay in terms of *Upen Das (supra)*.

5. The learned counsel for the respondents on the other hand submits that the petitioners are only engaged on casual basis and since it is not a substantive appointment, there is no question of granting them the pay scale as claimed by them. It may, however, be seen that the direction of a Division Bench this Court in *Upen Das (supra)* is that all such Muster Roll Workers, Worked Charge Workers and similarly placed employees working since the last more than 10 years and not in a sanctioned post should be granted the minimum of pay scale w.e.f. 01.08.2017. Admittedly, the petitioners in the present case are not working against a sanctioned post but are engaged as casual worker since 1993 which has not been disputed by the respondents.

6. Considering the same, the respondent authorities are directed to grant the petitioner the benefit of minimum pay scale in terms of *Upen Das (supra)*. Before granting them such benefit, the respondents will be at liberty to make necessary verification as may be required. The petitioners be afforded the minimum pay scale as directed near above as expeditiously as possible and preferably within a period of 3 (three) months from the date of receipt of a certified copy of this order.

7. Writ petition accordingly stands disposed of.

JUDGE

Comparing Assistant