GAHC010207242026

undefined

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

Case No. : WP(C)/5265/2026

BIDYUT BOSE AND ANR
SON OF LATE BINOY BHUSAN BOSE, RESIDENT OF G.T.B ROAD, WARD NO-6, POLICE STATION-DHUBRI,DISTRICT-DHUBRI, ASSAM PIN-783301

2: RATNA CHAKRABORTI
WIFE OF DHIMAN KRISHNA CHAKRABARTI
570
A.K GHOSH ROAD BYE LANE NEAR RAILWAY STATION
DHUBRI POLICE STATION-DHUBRI
ASSAM PIN-78330

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF ASSAM, IRRIGATION DEPARTMENT DISPUR GUWAHATI-6 ,

2:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF ASSAM

FINANCE DEPARTMENT
DISPUR
GUWAHATI-6

3:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF ASSAM

ADMINISTRATIVE REFORMS TRAINING AND PENSION AND PUBLIC GRIEVANCES DEPARTMENT
DISPUR
GUWAHATI-6

4:THE CHIEF ENGINEER
IRRIGATION ASSAM

CHANDMARI
GUWAHATI-3

5:THE EXECUTIVE ENGINEER
DHUBRI-GOLOKGANJ GOURIPUR DIVISION (IRRIGATION)
GOURIPUR

6:THE PRINCIPAL ACCOUNTANT GENERAL (A AND E)
ASSAM
MAIDAMGAON
BELTOLA
GUWAHATI-2

Advocate for the Petitioner : MR. C BHATTACHARYYA, MS. GARGI KASHYAP,MS. C BUJARBARUAH

Advocate for the Respondent : GA, ASSAM, SC, AG (A AND E),SC, IRRIGATION,SC, FINANCE

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

01.10.2026

Heard Shri C. Bhattacharyya, learned counsel for the petitioners. Also heard Shri R. Dhar, learned State Counsel; Shri C. Boruah, learned Standing Counsel, Accountant General, Assam and Shri D. Bora, learned Standing Counsel, Irrigation Department.

2. This matter was taken up for consideration on 2 earlier occasions when the learned counsel for the petitioners had informed that the issue has been answered by this Court in certain writ petitions including WP(C)/1942/2018 vide the judgment dated 15.12.2018.

3. The facts briefly stated are that the petitioners, who are 2 in nos., were appointed as Casual Muster Roll Worker on 01.03.1992 and 12.02.1992 in the Office of the respondent no. 5 and their services were regularized as Helper

w.e.f. 22.07.2005 vide an order dated 06.10.2005 issued by the respondent no. 5. The petitioners have retired from service on attaining the age of superannuation on 31.01.2026. The petitioners are claiming the benefit of the judgment dated 15.12.2018 passed in WP(C)/1942/2018.

4. Shri Bhattacharyya, learned counsel for the petitioners has further informed that the aforesaid judgment was upheld by the Hon'ble Division Bench and there are subsequent judgments following the same including an order dated 03.05.2024 passed din WP(C)/5869/2023.

5. Shri Bora, learned Standing Counsel, Irrigation Department submits that the contention advanced appears to be correct. He further submits that the matter may be left to be examined by the respondent authorities in terms of an order passed in a similar case.

6. In view of the above, the writ petition is allowed by directing the respondent authorities to examine the claim of the petitioners and upon verification of fulfilling the requirement as laid down by this in the case of ***Sanjita Roy & Ors. Vs. State of Assam & Ors.*** reported in ***2019 (2) GLT 805*** steps be taken for giving them the benefit of the said judgment.

7. The aforesaid exercise be undertaken and completed expeditiously and preferably within a period of 2(two) months for the date of receipt of a certified copy of this order.

8. The writ petition stands disposed of.

JUDGE

Comparing Assistant