GAHC010218912026

undefined

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

Case No. : WP(C)/5465/2026

SUNIL CH GHOSE
S/O LATE PURNA CHANDRA GHOSE, R/O GOURIPUR, WARD NO. 2, P.S. DHBURI, DIST. DHUBRI, ASSAM, PIN -783331.

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE SECY. TO THE GOVT. OF ASSAM, IRRIGATION DEPTT, DISPUR, GUWAHATI-6.

2:THE COMMISSIONER AND SECY. TO THE GOVT. OF ASSAM
FINANCE DEPTT.
DISPUR
GUWAHATI -6.

3:THE COMMISSIONER AND SECY. TO THE GOVT. OF ASSAM
ADMINISTRATIVE REFORMS TRAINING AND PENSION AND PUBLIC GRIEVANCES DEPTT.
DISPUR
GUWAHATI- 6.

4:THE CHIEF ENGINEER IRRIGATION
ASSAM
DISPUR
GUWAHATI- 6.

5:THE EXECUTIVE ENGINEER
DHUBRI GOLOKGANJ GOURIPUR DIVISION (IRRIGATION)
GOURIPUR
PIN -783331.

6:THE PRINCIPAL ACCOUNTANT GENERAL (A AND E)

ASSAM
MAIDAMGAON
BELTOLA
GUWAHATI- 29

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

Advocate for the Respondent : GA, ASSAM, SC, FINANCE,SC, IRRIGATION,SC, AG

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

07.10.2026

Heard Shri C. Bhattacharyya, learned counsel for the petitioner. Also heard Shri A. Chakrabory, learned State Counsel; Shri C. Boruah, learned Senior Standing Counsel, Accountant General, Assam; Shri D. Bora, learned Standing Counsel, Irrigation Department and Shri A. Chaliha, learned Standing Counsel, Finance Department.

2. Considering the subject matter involved and as agreed to by the learned counsel for the parties, this writ petition is taken up for disposal at the motion stage itself.

3. The facts briefly stated is that the petitioner, who was appointed as Casual Muster Roll Worker on 01.12.1986 in the Office of the respondent no. 5 and his service was regularized as Khalashi *w.e.f.* 22.07.2005 vide an order dated 06.10.2005 issued by the respondent no. 5. The petitioner has retired from service on attaining the age of superannuation on 30.09.2016. The petitioner is claiming the benefit of the judgment dated 04.12.2018 passed in WP(C)/1089/2015.

4. Shri Bhattacharyya, learned counsel for the petitioner 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