
(2003) 04 GAU CK 0047
In the Gauhati High Court
Case No : Writ Petition (C) No. 1737 of 2000

Sanatan Kalita

APPELLANT

Vs

State of Assam and Others

RESPONDENT

Date of Decision : 02-04-2003

Acts Referred:

Citation : (2004) 1 GLR 229

Hon'ble Judges : Ranjan Gogoi, J

Bench : Single Bench

Advocate : B.K. Sharma, D.K. Sharmah and U.K. Goswami, for the Appellant; N. Islam, G.A., for the Respondent

Final Decision : Allowed

Judgement

Ranjan Gogoi, J

1. Heard Mr. B.K. Sharma, learned Sr. counsel for the petitioner and Mr. N. Islma, learned Govt. Advocate, Assam.

2. The writ petitioner was appointed as a Workcharged Section Assistant by an order dated 31.3.1995. The petitioner continued in service on the basis of the extension granted to him by the competent authority and thereafter, as orders were passed by the jurisdictional Executive Engineer to discontinue payment of the monthly emoluments of the petitioner, the instant approach to this Court has been made for appropriate directions for continuance of his service and for regularisation.

3. No return has been filed on behalf of the State respondents. However, it is agreed at the Bar that while this writ petition continued to remain pending, by a Government Memorandum dated 30.10.2001, a policy decision has been taken to allow the Muster Roll, Workcharged and Casual Employees of the State appointed after 1.4.1993 to continue in service subject to their having completed 5 (five) years of service as on 24.1.2001. As the service of the petitioner has been directed to be continued by the orders passed by this Court, he would obviously

in service as on date and by this time, he would have completed over five years of service on the date of issuance of the notification i.e. the Government Memorandum dated 30.10.2001.

4. In view of the above position, this writ petition has to be allowed; the petitioner shall continue to remain in service and his case for regularisation shall be considered by the authority in accordance with the prevailing norms and guidelines along with other similarly situated candidates. In considering the case of the petitioner for regularisation, the authority shall take into account the contents of the documents annexed as Annexures - 8, 9 and 10 to the writ petition which would go to show that the persons similarly appointed along with the writ petitioner on 31.3.1995 have been, in the meantime, regularised.

5. The writ petition stands allowed as indicated above.