

(2018) 03 GAU CK 0165
In the Gauhati High Court
Case No : Review.Pet. 198 of 2017

SRI ASHOK RANJAN KAR and 2 ORS

APPELLANT

Vs

STATE OF ASSAM and 4 ORS

RESPONDENT

Date of Decision : 09-03-2018

Acts Referred:

Citation : (2018) 03 GAU CK 0165

Hon'ble Judges : NELSON SAILO

Bench : Single Bench

Final Decision : Disposed

Judgement

1. Heard Mr. N. Dhar, learned counsel for the review petitioners. None appears for the respondent Public Works Department and Finance

Department.

2. This review petitioner has been filed by the petitioners seeking review of the order dated 10.08.2017 passed in WP(C) No. 593/13. Order dated

10.08.2017 may be abstracted as below:- â??Heard Mr. I H Saikia, the learned counsel for the writ petitioners and Mr. P Nayak, the learned counsel

for the Finance Department. The other State respondents are represented by Mr. MR Adhikari, the learned Government Advocate. The petitioners

have claimed regularization of their service by this writ petition. But however a Division Bench of this Court has negated the claim of the other casual

employees for regularization and therefore the writ petition cannot be proceeded with further and the same stands closed.â??

3. Appearing for the review petitioners, Mr. N. Dhar submits that the petitioners are aggrieved with the order dated 10.08.2017 on the ground that the

Division Bench of this Court vide Judgment and order dated 08.06.2017 passed

in Writ Appeal No. 45/2014 did not negate the claim of the writ petitioners therein altogether. He submits that the Writ Appellate Court in fact at paragraph No. 22 of the said judgment and order has given some relief to the temporary employees, who are in fact similarly situated as the review petitioners. Paragraph No. 22 of the judgment and order dated 08.06.2017 may be abstracted as below:- It is, however, heartening to learn that the State Government has agreed not to terminate the Muster Roll, Work Charged and similarly placed employees working since last more than 10 years (not in sanctioned post) till their normal retirement, except on disciplinary ground or on ground of criminal offences. The State Government has also agreed to enlist such employees in Health and Accidental and Death Insurance Scheme, which will be prepared in consultation with the State Cabinet. We appreciate this positive stand of the State Government taken as welfare measures for the betterment and security of the employees, in question. We, accordingly, direct the State Government to implement the measures without further delay. Besides this, we, in the light of decision of the Supreme Court in State of Punjab vs. Jagjit Singh, (2017) 1 SCC 148, also direct the State Government to pay minimum of the pay scale to Muster Roll workers, Work Charged workers and similarly placed employees working since last more than 10 years (not in sanctioned post) with effect from 1.8.2017.

4. Mr. N. Dhar therefore submits that the Writ Appellate Court has in fact directed the State Government not to terminate Muster Roll, Work Charged and similarly placed employees working for last more than 10 years and not in a sanctioned post till their retirement, except on disciplinary ground or on ground of criminal offences. Facility like Health Accidental and Death Insurance Scheme has also been agreed to be extended to such employees by the State Government and accordingly the State Government was directed to implement such measures without further delay. The State respondents were also directed to pay minimum of the pay scale to the muster roll workers, work charged workers and similarly placed employees working since last more than 10 years and not in a sanctioned post w.e.f. 01.08.2017 in terms of the Apex Court decision in the case of State of Punjab vs. Jagjit Singh, (2017) 1 SCC 148. Mr. N. Dhar submits that the review petitioners were initially appointed as Work Charged Khalashi and

they joined Â Â their posts on 02.06.1988. Thereafter, they were promoted as Work Charged Section Assistants and they are performing their duties

till date. Therefore, the petitioners are also entitled to the benefit in terms of the paragraph 22 of the judgment and order dated 08.06.2017.

5. I have considered this submission advanced by the learned counsel for the review petitioners and I have perused the materials available on record.

The writ petition was disposed of in view of the order passed by the Division Bench on 08.06.2017 in Writ Appeal No. 45/2014 and therefore, I do not

find any impediment in allowing the review petition even though the respondents are unrepresented.

6. In that view of the matter, the review petition is disposed of with a direction to the State respondents to afford the review petitioners benefits in

terms of paragraph No. 22 of the judgment and order dated 08.06.2017 passed in Writ Appeal No. 45/2014 which however shall be subject to proper

verification and scrutiny by the respondent authorities concerned. Needless to say, if the petitioners are found to be entitled to such benefits, the State

respondents shall give them such benefits without delay.

7. With the above observations and directions, the order dated 10.08.2017 passed in WP(C) No. 593/2013 stands modified. The review petition stands

disposed.