

GAHC010029922024



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

**Case No. : WP(C)/737/2024**

ASSAM STATE TEXTBOOK CORPORATION EMPLOYEES UNION AND 35  
ORS

REPRESENTED BY THE SECRETARY, TAHIDUR JAMAN TALUKDAR, AGED  
ABOUT 46 YEARS, PRESENTLY WORKING AS LDA, THE ASSAM STATE  
TEXT BOOK PRODUCTION AND PUBLICATION CORPORATION LIMITED (A  
GOVT. OF ASSAM UNDERTAKING) GNB ROAD, PANBAZAR, GUWAHATI-  
781001

2: TAPAN DEKA

AGED ABOUT 53 YEARS

PRESIDENT

ASSAM STATE TEXTBOOK CORPORATION EMPLOYEES UNION  
PRESENTLY WORKING AS PROOF READER

THE ASSAM STATE TEXT BOOK PRODUCTION AND PUBLICATION  
CORPORATION LIMITED GNB ROAD

PANBAZAR

GUWAHATI-781001.

3: DEBEN DEKA

AGED ABOUT 63 YEARS

RETIRED AS DRAFTY

SON OF LATE- KHARGESWAR DEKA

RESIDENT OF VILL- DAHI NAGAON

P.O DAHINAGAON. P.S MANGALDOI

DIST- DARRANG (ASSAM)

4: PARESH THAKURIA

AGED ABOUT 61 YEARS

RETIRED AS DRAFTY

SON OF LATE- BHAKAT THAKURIA

RESIDENT OF VILL-SURADI SATAPARA

P.O GOBRADAL. P.S NALBARI

DIST- NALBARI (ASSAM

5: SURESH MAHATO

AGED ABOUT 58 YEARS  
WORKING AS NIGHT CHOWKIDAR  
SON OF LATE-GANESH MAHATO  
RESIDENT OF VILL-HASSANPUR  
P.O-HASSANPUR MATHIA. P.S BAROLI  
DIST- GOPALGANJ (BIHAR) 841405.

6: MD. FAKARUDDIN BORBHUYAN

AGED ABOUT 59 YEARS  
WORKING AS NIGHT CHOWKIDAR  
SON OF LATE-JUNAB ALI BARBHYAN  
RESIDENT OF VILL-P.O GANGPAR DHUMKAR. P.S HAILAKANDI  
DIST- HAILAKANDI(ASSAM)  
PIN NO. 788152.

7: BISHNU RAM BORO

AGED ABOUT 61 YEARS  
RETIRED AS DRAFTY  
SON OF SRI BASANTA RAM BORO  
RESIDENT OF HOUSE NO.132 SWAHID KHARGESWAR PATH  
KRISHNA NAGAR P.O JAPARIGOG  
P.S-DISPUR  
GHY-781005.

8: MUNIN KUMAR DAS

AGED ABOUT 63 YEARS  
RETIRED AS UDA  
SON OF LATE SITARAM DAS  
RESIDENT OF VILLAGE AND P.O-KEOTKUCHI  
P.S-BARPETA  
DIST-BARPETA  
PIN-781309.

9: ANIL HALOI

AGED ABOUT 61 YEARS  
RETIRED AS NIGHT CHOKIDAR  
SON OF LATE GUDARAM HALOI  
RESIDENT OF VILL- SRABARI(HJO)  
P.O- HAJO  
P.S- HAJO

DIST-KAMPRUP(R) ASSAM.

10: NAGEN BARMAN

AGED ABOUT 59 YEARS  
WORKING AS DRAFTY  
SON OF LATE SUREN BARMAN  
RESIDENT OF PANJABARI NABA JYOTI NAGAR  
P.O. BAGHARBARI TINIALI  
P.S.- SATGAON  
DISTRICT- KAMRUP(M) ASSAM  
PIN NO. 781037.

11: THANESWAR DEKA

AGED ABOUT 60 YEARS  
WORKING AS RETIRED DRAFTY  
SON OF LATE BIANDI RAM DEKA  
RESIDENT OF MATHGHARIA GEETA MANDIR  
P.O. GEETA NAGAR  
P.S- GEETA NAGAR GUWAHATI.

12: KAMESWAR SWARGIARY

AGED ABOUT 56 YEARS  
SON OF LATE DINARAM SWARGIARY  
WORKING AS DRIVER  
RESIDENT OF VILLAGE- PUNIAGAON  
P.O. BHAKATPARA  
P.S.-KALIAGAON  
DIST-ODALGURI  
784190.

13: SAMIRAN DAS

AGED ABOUT 56 YEARS  
WORKING AS AMC  
SON OF LATE SATISH CHANDRA DAS  
RESIDENT OF H.NO.-12 KHARGHULI  
P.O KHARGHULI  
P.S. LATASIL  
GUWAHTI-781004

14: BASUDHAR DEKA

AGED ABOUT 62 YEARS  
RETIRED AS SUPERINTENDENT  
SON OF LATE LALIT CH. DEKA

RESIDENT OF HOUSE NO -01(A) NEAR S.R. ACADEMY  
YUBA NAGAR  
FOREST GATE GUWAHATI-26  
DIST-KAMRUP(M) ASSAM.

15: SARAT CHANDRA BAISHYA

AGED ABOUT 60 YEARS  
RETIRED AS DRIVER  
SON OF LATE HARKANTA BAISHYA  
RESIDENT OF LICHU BAGAN HENGARABARI  
P.O HENGARABARI P.S. DISPUR GUWAHATI-781036.

16: KRISHNA KANTA BORO

AGED ABOUT 56 YEARS  
WORKING AS SUPERINTENDENT  
SON OF SRI BASANTA RAM BORO  
RESIDENT OF H. NO. 132 SWAHID KHARGESWAR PATH  
KRISHNA NAGAR P.O JAPARIGOG  
P.S-DISPUR  
GHY-781005.

17: HIRAK KUMAR BARUA

AGED ABOUT 53 YEARS  
WORKING AS U.D.A.  
SON OF LATE KUMUDESWAR BARUAH  
RESIDENT OF VILL  
P.O AND P.S- AZARA  
DISTRICT -KAMRUP (M) ASSAM  
GUWAHATI-781017.

18: JAYANTA TALUKDAR

AGED ABOUT 55 YEARS  
WORKING AS PEON  
SON OF LATE JATINDRA NATH TALUKDAR  
RESIDENT OF VILL-GAYANHATI  
WARD NO-07 P.O AND P.S- BARPETA  
DIST- BARPETA  
PIN-781301.

19: RAMESH DEKA

AGED ABOUT 49 YEARS  
WORKING AS PEON  
SON OF LATE PARASURAM DEKA

RESIDENT OF VILL-JARGAON  
P.O-JALJALI PS.-MANAGALDAI  
DIST-DARRANG.

20: PUTUL BARMAN

AGED ABOUT 53 YEARS  
WORKING AS PEON  
SON OF LATE BASIRAM BARMAN  
RESIDENT OF VILL-LAKHIPUR  
P.O. DEBASARA  
P.S.-BORBORI  
DIST-BASKA  
(B.T.R.) PIN-781333.

21: MD. AINUL HAQUE BARBHYAN

AGED ABOUT 53 YEARS  
WORKING AS PEON  
SON OF LATE CHANDU BARBHYAN  
RESIDENT OF VILL-MEHERPUR  
P.O. MEHERPUR  
P.S-SILCHAR  
DIST-SILCHAR  
780015.

22: MD. ABDUL AZIZ

AGED ABOUT 55 YEARS  
WORKING AS NIGHT CHOWKIDAR  
SON OF LATE AZIZUR RAHMAN  
RESIDENT OF VILL-NAYAPARA  
AGIA ROAD  
WARD NO- 5  
P.O-GOALPARA  
DIST-GOALPARA  
781310.

23: AJAY SARMAH

AGED ABOUT 49 YEARS  
WORKING AS NIGHT CHOWKIDAR  
SON OF LATE PRANKRISHNA SARMAH  
RESIDENT OF VILL AND P.O- BARNARDI  
P.S-BELSOR  
DIST-NALBARI-781303.

24: MRS. JURUBALA DEKA

AGED ABOUT 57 YEARS  
WORKING AS PEON  
W/O- LATE HARI DEKA  
RESIDENT OF VILL- MUKTAPUR  
P.O-LOACH  
P.S.-BAIHATA CHARIALI  
DIST- KAMRUP(R) ASSAM.

25: MUNI KRISHNA SARMA  
AGED ABOUT 51 YEARS  
WORKING AS MANAGER ESTABLISHMENT  
SON OF SRI BRAJA NATH SARMAH  
RESIDENT OF H.NO. 51  
DR ZAKIR HUSSAIN ROAD  
MATHURA NAGAR  
DISPUR  
GUWAHTI-781006

26: RAMESH CHANDRA SARMAH

AGED ABOUT 57 YEARS  
WORKING AS MANAGER COMMERCIAL  
SON OF LATE BISWA NATH SARMA  
RESIDENT OF H.NO. 4(A) WEST SIVANAGAR (NEAR SIVMANDIR) 2 NO.  
MATH GHARIA  
P.O AND P.S NOONMATI  
KAMRUP (M)-GUWAHATI-781020.

27: SOBHKOR LASKAR

AGED ABOUT 55 YEARS  
WORKING AS ARTIEST  
SON OF LATE NARENDRA NATH LASKAR  
RESIDENT OF BIJOI APARTMENT M.C. BORO ROAD  
MANAPARA P.O AND P.S-FATASHIL AMBARI GUWAHATI-25.

28: BRAJEN BARMAN

AGED ABOUT 49 YEARS  
WORKING AS DRIVER  
SON OF SRI MATHORAM BARMAN  
RESIDENT OF VILL-TOUMURA  
P.O. KENDUKUCHI  
P.S NALBARI  
DIST NALBARI-781341.

29: JOGENDRA NATH SARMA

AGED ABOUT 61 YEARS  
RETIRED AS DRAFTY  
SON OF SRI MAHENDRA NATH SARMAH  
RESIDENT OF VILL- BONGAON  
P.O. KENDUA  
P.S. BAIHATA CHARIALI  
DIST KAMRUP(R) ASSAM.

30: GUNAJIT BAYAN

AGED ABOUT 53 YEARS  
WORKING AS NIGHT CHOWKIDAR  
SON OF SRI LATE NARAYAN CH. BAYAN  
RESIDENT OF VILL- BARHATI  
WRAD NO.-07 P.O AND P.S- BARPETA. DIST-BARPETA  
PIN-781301.

31: HEMANGA DAS

AGED ABOUT 48 YEARS  
WORKING AS L.D.A  
SON OF LT MADAN MOHAN DAS  
RESIDENT OF VILL- KEOT KUCHI P.O. BHELLA  
P.S-BARPETA DIST-BARPETA  
ASSAM.

32: JUBUL KUMAR CHOUDHURY

AGED ABOUT 56 YEARS  
WORKING AS L.D.A  
SON OF LATE KARUNA KANTA CHOUDHURY  
RESIDENT OF VILL AND P.O- ZIAKUR  
P.S.- CHAYAGAON. DIST- KAMRUP  
ASSAM  
PIN NO.781134.

33: THANESWAR BASUMATARY

AGED ABOUT 45 YEARS  
WORKING AS DRIVER  
SON OF SRI MANHARI BASUMATARI  
RESIDENT OF VILL-PURANSREEPUR  
P.O. MEDAGHAT. P.S.-BARAMA  
DIST-BAKSA(ASSAM)  
781355.

34: RATUL BARMAN

AGED ABOUT 45 YEARS  
WORKING AS NIGHT CHOWKIDAR  
SON OF LATE HEM CH. BARMAN  
RESIDENT OF VILL- DANGUAPARA  
P.O. BANEKUCHI  
P.S-NALBARI  
DIST-NALBARI-781340.

35: BHASKAR JYOTI DEKA

AGED ABOUT 40 YEARS  
WORKING AS ASSTT. MANAGER PRODUCTION  
SON OF SRI HANGSHA NATH DEKA  
SEUJI PATH CHILARAI PATH  
RESIDENT OF BALIKORIA  
KHARJARA  
GOPAL BAZAR  
P.S- NALBARI  
DIST NALBARI-781353.

36: DIGANTA DEKA

AGED ABOUT 47 YEARS  
WORKING AS ASSTT. MANAGER PRODUCTION  
SON OF LATE DURGESWAR DEKA  
RESIDENT OF VILL-CHANDAKUCHI  
P.O GOPALTHAN  
P.S.-NALBARI DIST-NALBARI  
ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS  
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF ASSAM,  
DEPARTMENT OF SCHOOL EDUCATION (ELEMENTARY), ASSAM CIVIL  
SECRETARIAT, BLOCK-C, DISPUR, GUWAHATI-6.

2:THE ASSAM STATE TEXT BOOK PRODUCTION AND PUBLICATION  
CORPORATION LIMITED  
REPRESENTED BY ITS MANAGING DIRECTOR  
GNB ROAD  
PANBAZAR  
GUWAHATI-781001.

3:THE SECRETARY  
TO THE GOVT. OF ASSAM  
FINANCE (EC-III) DEPARTMENT

ASSAM CIVIL SECRETARIAT  
DISPUR  
GUWAHATI-6.

4:PRINCIPAL COMMISSIONER

INCOME TAX DEPTT  
CHRISTIANBASTI  
GUWAHATI-78100

**Advocate for the Petitioner : MR. S K DAS**

**Advocate for the Respondent : SC, ELEM. EDU**

**BEFORE**  
**HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

**ORDER**

**23.02.2024**

Heard Mr. S. K. Das, learned counsel for the petitioners. Also heard Mr. N.J. Khataniar, learned Standing Counsel, Elementary Education; Mr. I. Borthakur, learned Standing Counsel, ASTBP and Mr. R. Borpujari, learned Standing Counsel, Finance.

This writ petition is filed by the petitioners who are the regular employees of the Assam State Textbook Production and Publication Corporation.

Pursuant to the discussions of the employees along with the Management and other stakeholders, the Assam State Textbook Production and Publication Corporation Limited Employees Pension Trust were set up. All clearances from necessary departments have also been obtained, actuarial liabilities have been identified on the basis of report and the administrative department has also granted NOC. However, the required fund has not yet been transferred to the Trust because of which the petitioners apprehend that the respondent authorities, more particularly, the administrative department namely, Department of School Education, may not proceed to implement the decision

arrived at pursuant to the discussion between the employees and the other stockholders.

On 13.02.2024, this Court had permitted the respondent authorities to complete their instructions.

Today when the matter is called up, Mr. I. Borthakur, learned Standing Counsel has placed before the Court the instructions received from the Managing Director of the Assam State Textbook Production and Publication Corporation Limited that the matter is under active consideration and the views of the Senior Finance and Accounts Officer of the School Education Department are presently awaited. In these instructions, Mr. I. Borthakur, learned Standing Counsel, ASTBP submits that once the views are received, the department will pass appropriate orders to proceed with the pension trust which is set up for the benefits of the employees.

The learned counsel for the petitioners submits that the writ petition can be closed with a direction to the department to expeditiously process the claims.

Taking into consideration the submissions made by the respective counsel, this Court is of the view that the writ petition can be closed with a direction to the respondents to expeditiously take a decision in the matter in terms of the earlier decision arrived at to set up a pension trust for the employees of the Assam State Textbook Production and Publication Corporation.

This exercise be completed within 30 days from the date of receipt of a certified copy of this order.

In terms of the above, the writ petition stands disposed of.

**JUDGE**

Comparing Assistant