

GAHC010049302017



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

Case No. : WP(C)/6942/2017

BIREN CH. DEKA and 7 ORS.

ID NO. and DESIGNATION-19831729, ASI OPR, PLACE OF POSTING WITH ADDRESS APRO HQ, ULUBARI, GUWAHATI-7, P/R- VILL. 2 NO. SALBARI, P.O. NOONMATI, P.S. NOONMATI, PIN-781020, DIST. KAMRUP M, ASSAM.

2: DHARMA KT. GOGOI

ID. NO. and DESIGNATION-19831676

SI OPR

PLACE OF POSTING WITH ADDRESS- POLICE RADIO STATION

ZONAL H Q SADIA

CHEPAKHOWA TOWN

DIST. SADIA

ASSAM P/R- VILL BAKSUMOUNT GAON

P.O.MOUT GAON

P.S. SIVASAGAR

PIN-785697

DIST. SIVASAGAR

ASSAM.

3: DIGANTA DUTTA

ID NO. and DESIGNATION-19831677 SI OPR

PLACE OF POSTING WITH ADDRESS- POLICE RADIO STATION

KOHORA

DIST. GOLAGHAT

ASSAM. P/R- VILL NO. 1 NO. KOHORA

P.O. KAZIRANGA

P.S. BOKAKHAT

PIN-785609

DIST. GOLAGHAT

ASSAM.

4: DRONA CH. KONWAR

ID NO. and DESIGNATION- 19831730
SI OPR
PLACE OF POSTING WITH ADDRESS- SOUTH SALMARA POLICE RADIO
STATION
DIST. SSM HSM
ASSAM. P/R- VILL. BELTOLA BAZAAR
P.O. BELTOLA
P.S. HATIGAON
PIN-781028
DIST. KAMRUP M
ASSAM.

5: UPEN CH. SARMA

ID NO. and DESIGNATION- 19831739
SI OPR
PLACE OF POSTING WITH ADDRESS- APRO TRAINING SCHOOL
JALIKBARI
GHY.-13
P/R- VILL. PACHARIYA
P.O. PACHARIYA
P.S. HAJO
PIN-781104
DIST. KAMRUP
ASSAM.

6: MAHIBUDDIN AHMED

ID NO. and DESIGNATION- 19831688
SI OPR
PLACE OF POSTING WITH ADDRESS- APRO
KOLIYABOR PR STATION
DIST. NAGAON
ASSAM
P/R- VILL. MORABAZAR
P.O. MORABAZAR
PIN AMGURI
PIN-785630
DIST. SIVASAGAR
ASSAM.

7: RAMESH BARMAN

ID NO. and DESIGNATION-19831824
ASI OPR
PLACE OF POSTING WITH ADDRESS- APRO HQ ULUBARI
GUWAHATI-07. P/R- VILL CHAMATA

P.O. PASCHIM CHAMATA
P.S. BELSOR
PIN-781306
DIST. NALBARI
ASSAM.

8: ATIUR ROSHUL

ID NO. and DESIGNATION- 19831807
ASI RT
PLACE OF POSTING WITH ADDRESS- APRO HQ
ULUBARI
GUWAHATI-07. P/R- VILL. and P.O. LOHARKATHA
P.S. MUKALMUA
PIN-7811269
DIST. NALBARI
ASSAM

VERSUS

THE STATE OF ASSAM and 7 ORS.
REP. BY - THE COMM. and SECY TO THE GOVT. OF ASSAM, HOME A
DEPTT., DISPUR, GUWAHATI-781006, DIST. KAMRUP M, ASSAM.

2:THE COMM. and SECY. TO THE GOVT. OF ASSAM

FINANCE ESTT.-A DEPTT.
DISPUR
GUWAHATI-6.

3:THE ACCOUTANT GENERAL
ASSAM

MAIDAM GAON
BELTOLA
GUWAHATI-29.

4:THE DIRECTOR GENERAL OF POLICE ASSAM
ULUBARI
GUWAHATI-781006
DIST. KAMRUP M
ASSAM.

5:THE ADDL. DIRECTOR GENERAL OF POLICE COMMN.
ASSAM

ULUBARI
GUWAHATI-781007

DIST. KAMRUP M
ASSAM.

6:THE ADDL. DIRECTOR GENERAL OF POLICE A
ASSAM

ULUBARI
GUWAHATI-781007
DIST. KAMRUP M
ASSAM.

7:THE DIRECTOR OF POLICE COMMN.
ASSAM

ULUBARI
GUWAHATI-781007
DIST. KAMRUP M
ASSAM.

8:THE SUPTD. OF POLICE COMMN.
HQ-III
ASSAM

ULUBARI
GUWAHATI-781007
DIST. KAMRUP M
ASSAM

Advocate for the Petitioner : MR.B DAS

Advocate for the Respondent : GA, ASSAM

Linked Case : WP(C)/6895/2017

BOGI RAM SAIKIA and 8 ORS.
ID NO. and DESIGNATION 19821647
SI OPR
PLACE OF POSTING WITH ADDRESS-APRO HQ
ULUBARI-07
GUWAHATI
P/R VILL. BORBARI
P.O. BAMUNI
P.S. SAMAGURI

PIN 782102
DIST. NAGAON
ASSAM.

2: BIPIN CHANDRA BORAH
ID NO. AND DESIGNATION 19821653 ASI OPR

PALCE OF POSTING WITH ADDRESS- 23RD APIR
BN SILONI
DIST- KARBI ANGLONG
ASSAM
P/R VILL- UTTAR PETBOSHA
P.O- UTTAR PETBOSHA
P.S- RAHA
PIN- 782001
DIST- NAGAON
ASSAM

3: HARESWAR BARMAN
ID NO AND DESIGNATION 19821656 SI OPR
PLACE OF POSTING WITH ADDRESS ABHAYAPURI P R STATION
8TH APBN
P/R VILL- KAKAYA
P.O- KAKAYA
P.S- BELSOR
PIN- 781304
DIST- NALBARI
ASSAM

4: KARAM SINGH
ID NO AND DESIGNATION- 19831663
SI OPR
PLACE OF POSTING WITH ADDRESS- 5TH ABPH SONTILLA
P.O- SONTILLA
DIST- DIMAHASAU
ASSAM
P/R VILL AND P.O- BORKOLA
P.S- ROHA
DIST- NAGAON
ASSAM
PIN- 782144

5: AKBAR ALI AHMED
ID NO AND DESIGNATION 19821645
ASI RT
PLACE OF POSTING WITH ADDRESS APRO ZONAL HQ
DIST- BAKSA
P/R VILL- DANGARKUCHI

P.O- SONKUCHI
P.S- BARPETA
PIN- 781314
DIST- BARPETA
ASSAM

6: WAHIDUR RAHMAN
ID NO AND DESIGNATION- 19821652
ASI RT PLACE OF POSTING WITH ADDRESS- CITY VHF CONTROL
ULUBARI
GHY- 07
P/R VILL- LAWTOLE
P.O- LAWTOLE
P.S- MUKALMUA
PIN- 781126
DIST- NALBARI
ASSAM

7: BALINDRA SARMAH
ID NO AND DESIGNATION- 19821637 SI RT
PLACE OF POSTING WITH ADDRESS- ABHAYAPURI P R STATION
8TH APBN
P/R VILL AND P.O- PANJABARI
P.S- SATGAON
PIN- 781037
DIST- KAMRUPM
ASSAM

8: KANAK CH DEKA
ID NO AND DESIGNATION- 19821657
SIF
PLACE OF POSTING WITH ADDRESS- BARPETA ZONAL HQ
APRO
P/R OF LAWTOLE
P.O- LAWTOLE
P.S- MUKALMUA
PIN- 781126
DIST- NALBARI
ASSAM

9: ARABINDA DEKA
ID NO AND DESIGNATION- 19821635
SIF
PLACE OF POSTING WITH ADDRESS- ABHAYAPURI P.S ZONAL HQ
BONGAIGAON
P/R VILL- KHALIHAPARA
P.O- MUKALMUA
P.S- MUKALMUA

PIN- 781126
DIST- NALBARI
ASSAM
VERSUS

THE STATE OF ASSAM and 7 ORS.
REPRESENTED BY THE COMMISSIONER and SECY. TO THE GOVT. OF
ASSAM
HOME A DEPTT.
DISPUR
GUWAHATI 781006
DIST. KAMRUP M
ASSAM.

2:THE COMMISSIONER AND SECRETARY
TO THE GOVT OF ASSAM
FINANCE ESSTT-A DEPARTMENT
DISPUR
GUWAHATI-6

3:THE ACCOUNTANT GENERAL
ASSAM
MAIDAMGAON
BELTOLA
GUWAHATI- 29

4:THE DIRECTOR GENERAL OF POLICE
ASSAM
ULUBARI
GUWAHATI- 781006
DIST- KAMRUPM
ASSAM

5:THE ADDL. DIRECTOR GENERAL OF POLICE COMM
ASSAM
ULUBARI
GUWAHATI- 781007
DIST- KAMRUPM
ASSAM

6:THE ADDL. DIRECTOR GENERAL OF POLICE A
ASSAM
ULUBARI
GUWAHATI- 781007
DIST- KAMRUPM
ASSAM

7:THE DIRECTOR GENERAL OF POLICE COMM
ASSAM
ULUBARI
GUWAHATI- 7810307
DIST- KAMRUPM
ASSAM

8:THE SUPERINTENDENT OF POLICECOMM
HO-III
ASSAM
ULUBARI
GUWAHATI- 781007
DIST- KAMRUPM
ASSAM

Advocate for : MR.S CHAKRABARTY
Advocate for : SC
FINANCE appearing for THE STATE OF ASSAM and 7 ORS.

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

01.03.2024

Heard Mr. S. Chakraborty, learned counsel for the petitioners. Also heard Ms. M. Bhattacharjee, learned Addl. Sr. Government Advocate; Mr. R.K. Talukdar, learned Standing Counsel, Accountant General and Mr. R. Borpujari, learned Standing Counsel, Finance.

These writ petitions are filed by the petitioners praying for arrear salaries w.e.f. 16.12.1996. The petitioners are rendering services as Constables under Assam Police Radio Organization (APRO). The petitioners are aggrieved that persons similarly situated or junior of the petitioners have been drawing the basic pay which is not at par with the writ petitioners and therefore they are claiming the arrears of pay as per their dues.

The matters are contested by the respondents by filing their necessary affidavits.

As per order dated 08.02.2021, the State counsel's submission was recorded that there was no dispute regarding the entitlement of the petitioners to the balance of the pay and the same could not be released because of dearth of

funds. Subsequently, the matter was listed on 12.02.2024 permitting the petitioner's counsel to complete his instructions.

Today when the matter is called up, Mr. S. Chakraborty, learned counsel for the petitioners submits that inspite of his best efforts he could not contact the writ petitioners and therefore he submits that at this stage the matter may be closed as there is every likelihood of the petitioners receiving their arrears dues as payable by the department. However, he seeks liberty to approach this Court in the event the amounts have not been released as prayed for.

Ms. M. Bhattacharjee, learned Addl. Sr. Government Advocate does not oppose the submissions made by the learned counsel for the petitioners as also Mr. R. Borpujari, learned Standing Counsel, Finance and Mr. R.K. Talukdar, learned Standing Counsel, Accountant General.

Taking into consideration the submissions made at the bar, the writ petitions stand closed with a liberty to the petitioners to approach the Court again if the grievances are not redressed.

JUDGE

Comparing Assistant