

GAHC010033762024



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

Case No. : WP(C)/1123/2024

DURLOVE GOHAIN AND 20 ORS.
S/O BICHITRA GOHAIN
R/O VILLAGE-AGORATOLI,
P.O.-KAZIRANGA NATIONAL PARK
DISTRICT-GOLAGHAT, ASSAM.

2: BOLIN BORAH
S/O HEMANTA BORA
R/O VILLAGE-KORDOI GURI GAON
P.O.-GOWAL GAON
P.S.-GAROMUR

DISTRICT-JORHAT
ASSAM.

3: RENUMONI DAS
D/O LATE KATIRAM DAS
R/O VILLAGE AND P.O.- BAGORI

P.S.-JAKHALABANDHA

DISTRICT-NAGAON
ASSAM.

4: BHARAT GOGOI
S/O BHADRESWAR GOGOI
R/O VILLAGE AND P.O.-BAGORI
P.S.-JAKHALABANDHA

DISTRICT-NAGAON
ASSAM.

5: BIDUR SAIKIA
S/O LATE KANPAI SAIKIA

R/O VILLAGE AND P.O.-BAGORI
P.S.-JAKHALABANDHA

DISTRICT-NAGAON
ASSAM.

6: KINA RAM NATH
S/O UMA KANTA NATH
R/O VILLAGE AND P.O.-BAGORI
P.S.-JAKHALABANDHA

DISTRICT-NAGAON
ASSAM.

7: AMULYA URANG
S/O LATE HIRALAL URANG

R/O VILLAGE AND P.O.-BAGORI

P.S.- JAKHALABANDHA

DISTRICT-NAGAON
ASSAM.

8: JOY PRAKASH THAKUR
S/O DINESH THAKUR
R/O VILLAGE AND P.O.-BAGORI

P.S.-JAKHALABANDHA

DISTRICT-NAGAON
ASSAM.

9: PRADIP GOGOI
S/O BUDESWAR GOGOI @ PUNA GOGOI
R/O VILLAGE AND P.O.-BAGORI

P.S.-JAKHALABANDHA

DISTRICT-NAGAON
ASSAM.

10: BIKRAM BARUAH
S/O GOLAP CH. BARUAH
R/O VILLAGE-BAGHMARI

P.S.-KALIABOR

DISTRICT-NAGAON
ASSAM.

11: AKKEL ALI
S/O LATE HUSSAIN ALI
R/O VILLAGE-RANGOLU PAHARGURI

P.O. AND P.S.- JAKHALABANDHA

DISTRICT-NAGAON
ASSAM.

12: RATUL GOGOI
S/O LATE SUREN GOGOI
R/O VILLAGE-MOHPARA (DAWGAON)
P.O.-KAZIRANGA NATIONAL PARK

P.S.-BOKAKHAT

DISTRICT-GOLAGHAT
ASSAM.

13: SAMSON ENGTI
S/O LATE NAGEN ENGTI
R/O VILLAGE-PILKHANA
KOHORA

P.O.-KAZIRANGA NATIONAL PARK

P.S.-BOKAKHAT

DISTRICT-GOLAGHAT
ASSAM.

14: ANANTA GONAK
S/O LATE ROMIO GONAK
R/O VILLAGE- KOHORA NO. 2

P.O.-KAZIRANGA NATIONAL PARK

P.S.-BOKAKHAT

DISTRICT-GOLAGHAT
ASSAM.

15: HEMAPRABHA BORAH
D/O LATE MIHIRAM BORAH
VILLAGE-TAMULI PATHER GAON

P.O.-BORJURI
P.S.-BOKAKHAT

DISTRICT-GOLAGHAT
ASSAM.

16: GONESH RABHA
S/O LATE BHADHESWAR RABHA
R/O VILLAGE-KOHOA

P.O.-KAZIRANGA NATIONAL PARK

DISTRICT-GOLAGHAT
ASSAM.

17: HIRALAL LUHAR
S/O LATE POTI LUHAR

R/O NO. 1 KOHOA

P.O.-KAZIRANGA NATIONAL PARK

P.S.-BOKAKHAT

DISTRICT-GOLAGHAT
ASSAM.

18: MANOJ DORJI
S/O LATE HARKA BAHADUR DORJI
R/O VILLAGE- KOHOA

P.O.-KAZIRANGA NATIONAL PARK

P.S.-BOKAKHAT

DISTRICT-GOLAGHAT
ASSAM.

19: PRODIP KARMAKAR
S/O LATE MOHESH KARMAKAR

R/O VILLAGE-KOHOA

P.O.-KAZIRANGA NATIONAL PARK

P.S.-BOKAKHAT

DISTRICT-GOLAGHAT
ASSAM.

20: TILSWAR MAZHI
S/O LATE DUKHU MAZHI
R/O VILLAGE-KOHORA NO. 1

P.O.-KAZIRANGA NATIONAL PARK

P.S.-BOKAKHAT

DISTRICT-GOLAGHAT
ASSAM.

21: SUNIL BHAKTA
S/O LALIT BHAKTA
R/O VILLAGE AND P.O.- MOHPARA

P.S.-BOKAKHAT

DISTRICT-GOLAGHAT
ASSA

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY,
ENVIRONMENTAL AND FOREST DEPARTMENT, GOVT. OF ASSAM,
DISPUR, GUWAHATI-6.

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

3:THE PRINCIPAL CHIEF CONSERVATOR OF FOREST AND HEAD OF
FOREST FORCE

ASSAM
PANJABARI
GUWAHATI-37.

4:THE ADDITIONAL PRINCIPAL CHIEF CONSERVATOR OF FOREST
(WILDLIFE) AND CHIEF WILDLIFE WARDEN
ASSAM
PANJABARI
GUWAHATI-37.

5:THE DIVISIONAL FOREST RANGE OFFICER

EASTERN ASSAM WILDLIFE
DIVISION
BOKAKHAT
DISTRICT-GOLAGHAT
ASSAM
PIN-785612.

6:THE FOREST RANGE OFFICER
WESTERN RANGE

BAGORI
BOKAKHAT

DISTRICT-GOLAGHAT
ASSAM

PIN-785612

Advocate for the Petitioner : MR F U BARBHUIYA, MS S DAS

Advocate for the Respondent : SC, FOREST, SC, FINANCE

BEFORE
HONOURABLE MR. JUSTICE NELSON SAILO

ORDER

02.09.2024

1. Heard Mr. F.U. Barbhuiya, learned counsel appears for petitioners. Also heard Mr. I. Borthakur, learned Standing Counsel for the Forest Department. Mr. R. Borpujari, learned Standing Counsel, Finance Department appears for the respondent no.2

2. Mr. F.U. Barbhuiya, learned counsel submits that the petitioners by filing this writ petition seek for a direction to the respondent authorities to pay them the minimum scale of pay, in terms of the judgment rendered by this Court in

the case of ***State of Assam vs. Upen Das***, reported in ***(2017) 4 GLR 493***.

He submits that the petitioners have been working as Casual Workers in Kaziranga National Park for more than 10 years and despite having approached the respondent authorities on several occasions, they have not been given the benefit of minimum scale of pay.

3. Mr. I. Borthakur, learned Standing Counsel for the Forest Department submits that there is a Committee formed by the Principal Chief Conservator of Forest (in short PCCF) to verify the eligibility of the Casual Workers, who will be entitled to get the minimum scale of pay and therefore, if the petitioners approach the said Committee through the PCCF, their case may be considered.

4. To this submission, Mr. F.U. Barbhuiya, learned counsel for the petitioners submits that the Divisional Forest Officer (in short DFO), Eastern Assam Wild Life Division, Bokakhat had in fact written to the PCCF on 30.11.2021 (Annexure-7) stating that as many as 31 numbers of Casual Workers have been working regularly. The learned counsel submits that the 21 petitioners are also amongst the 31 Casual Workers who have been said to have worked regularly. The learned counsel submits that as per the said communication dated 30.11.2021, the name of the petitioners find place at Sl. Nos.2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 24, 1, 26, 27, 28, 29, 30 & 31 respectively. He therefore submits that the respondent authorities may be directed to grant the petitioners the minimum scale of pay to the petitioners.

5. Having regard to the claim made by the petitioners and the names having

been forwarded by the DFO concern before the PCCF on 30.11.2021, the PCCF shall place the matter before the constituted Committee to verify the claims of the petitioners and in the event, the petitioners qualify for the grant of minimum scale of pay, the same should be given to them without further delay. The petitioners shall submit a copy of this writ petition before the respondent no.3 (PCCF) who shall do the needful, in terms of the direction passed hereinabove. The exercise should be done and completed within a period of 3 (three) months from the date of receipt of a certified copy of this order.

6. The writ petition is accordingly disposed of.

JUDGE

Comparing Assistant