

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 BARBHUYAN
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 BARBHUYAN

AGED ABOUT 53 YEARS
WORKING AS PEON
SON OF LATE CHANDU BARBHUYAN
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: SOBHAKOR LASKAR

AGED ABOUT 55 YEARS
WORKING AS ARTIST
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