



GAHC010234532022



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

Case No. : WP(C)/7586/2022

KARAMJIT SINGH AND 56 ORS.
SON OF LATE PRABAN SINGH, RESIDENT OF WARD NO.4, LANKA TOWN,
PO LANKA, DISTRICT HOJAI, ASSAM. PIN 782446

2: PUSPA PATOR
SON OF LATE GAURESWAR PATOR
RESIDENT OF WARD NO.9
LANKA TOWN
PO LANKA
DISTRICT HOJAI
ASSAM. PIN 782446.

3: BISWAJIT CHAKRABARTY
SON OF LATE BAGALA RANJAN CHAKRABORTY
RESIDENT OF WARD NO.3
LANKA TOWN
PO LANKA
DISTRICT HOJAI
ASSAM. PIN 78244

4: DILIP CHANDA
SON OF LATE RAJENDRA CHANDA
RESIDENT OF WARD NO.2
LANKA TOWN
PO LANKA
DISTRICT HOJAI
ASSAM. PIN 782446

5: VINOD YADAV
SON OF ANANT YADAV
RESIDENT OF KHERONI KACHARI GAON
PO KHERONI
DISTRICT KARBI ANGLONG
ASSAM



PIN 782448

6: RAJIB SINGH
SON OF BISHAN SINGH
RESIDENT OF WARD NO.4
LANKA TOWN
PO LANKA
DISTRICT HOJAI
ASSAM. PIN 782446

7: BHUPEN DEKA
SON OF LATE PROMOD DEKA

VILLAGE - BARNARDDI
P.O. BARNADDI

DISTRICT - NALBARI (ASSAM).
PIN - 781303

8: MRINAL KALITA
SON OF LATE CHANDRADHAR KALITA

VILLAGE -HARIBHANGA

P.O. HARIBHANGA
DISTRICT - NALBARI ASSAM) PIN - 781378

9: BASANTA BARUAH
SON OF ADHIK CH BARUAH

VILLAGE - MAZDIA
P.O. - MUGKUCHI
DISTRICT - NALBARI (ASSAM)PIN - 781334

10: DHIREN DEKA
SON OF SRI KRISHNA RAM DEKA
VILLAGE - CHAMARKUCHI
P.O. - SANEKUCHI

DISTRICT - NALBARI (ASSAM)
PIN - 781350

11: BHARAT CH. BHATTACHARYYA
SON OF
LATE PRATAP CH. BHATTACHARYYA

VILLAGE - PIPALIBARI
P.O. - HARIBHANGA



DISTRICT - NALBARI (ASSAM)
PIN - 781378

12: PARAMESH BARMAN
SON OF LATE HARMOHAN BARMAN
VILLAGE - PHULGURI
P.O. - PANIGAON
DISTRICT - NALBARI (ASSAM)

PIN - 781303

13: RUPDHAN BARMAN
SON OF LATE SANKHESWAR BARMAN
VILLAGE - AMRIKHOWA
P.O. - AMRIKHOWA
DISTRICT - BARPETA (ASSAM) PIN - 781301

14: AKHIL CH KALITA
SON OF LATE GANGA RAM KALITA
VILLAGE - BARBHALUKI
P.O. - BARBHALUKI
DISTRICT - NALBARI (ASSAM) PIN - 781371

15: KALPA NATH TALUKDAR
SON OF LATE CHANDI RAM TALUKDAR
VILLAGE - SATHIKUCHI
P.O. - GOBRADAL
DISTRICT - NALBARI (ASSAM) PIN - 781370

16: MANTU DEV SARMA
SON OF LATE RAJAT CHANDRA DEV SARMA
R/O. AMIYANAGAR
CHANDMARI
GUWAHATI - 3
DISTRICT
KAMRUP (M)
ASSAM PIN - 781003

17: SANATAN CH. TALUKDAR
SON OF LATE CHANDIRAM TALUKDAR
VILLAGE - SATHIKUCHI
P.O. - GOBRADAL
DISTRICT - NALBARI (ASSAM) PIN -

18: HIRANYA BORAH
SON OF TRAILOKYA BORAH
VILLAGE - NAM BAGH MURAH



P.O. - BISWANATH CHARIALI
DISTRICT - BISWANATH (ASSAM) PIN -

19: KHAGESWAR BARMAN
SON OF LATE DAYARAM BARMAN
VILLAGE - GOLIA GRANT
P.O. - PANIBHARAL DISTRICT -BISWANATH (ASSAM)PIN - 784 176

20: JITEN BORAH
SON OF LATE RAJANI BORAH
VILLAGE - PURBA JYOTI KRISTI PAM NIGAM
P.O. - POLICE MANI
DISTRICT - BISWANATH (ASSAM) PIN - 784 178

21: MAKUNDA KALITA
SON OF SRI BHRIGU RAM KALITA
VILLAGE - KOCHDIGA
P.O. - HELANA
DISTRICT - BARPETA (ASSAM)PIN - 781 375

22: SARAT GOGOI
SON OF SRI LAKHI RAM GOGOI
RESIDENT OF VILLAGE - SEN SOWA GAON
P.O. - BILL GAON
DISTRICT - GOLAGHAT (ASSAM) PIN - 785602

23: SARAT BARUAH
SON OF SRI GHANA BARUAH
RESIDENT OF VILLAGE - SEN SOWA GAON
P.O. - BILL GAON
DISTRICT - GOLAGHAT (ASSAM) PIN - 785602

24: LAKHI RAM SAIKIA
SON OF SRI HEMO KANTA SAIKIA
RESIDENT OF VILLAGE - CHAKARDHARA
P.O. - FORKATING
DISTRICT - GOLAGHAT (ASSAM) PIN - 785610

25: MILON DEKA
SON OF LATE DHIREN DEKA
R/O. VILLAGE - BOKAKHAT MOHMAIKI GAON
P.O. - BOKAKHAT DISTRICT - GOLAGHAT (ASSAM) PIN - 785612

26: JIBAN CHANDRA SARMA
SON OF LATE JOY RAM SARMAH
R/O. VILLAGE - DULIAGAON
MISAMARA GAON
P.O. DERGAON (MISAMARA)



DISTRICT - GOLAGHAT (ASSAM) PIN - 785618

27: JYOTI PRAKASH SARMAH
SON OF LATE PROMOD SARMAH
RESIDENT OF VILLAGE - LATHAGAON
NEAR DERGAON NURSING HOME
P.O. - DISTRICT - GOLAGHAT (ASSAM) PIN - 785614

28: TAPAN BARUAH
SON OF LATE MOHEN BARUAH
RESIDENT OF VILLAGE - DERGAON
HOKIAL GAON
WARD NO. 4
P.O. - DERGAON
DISTRICT - GOLAGHAT (ASSAM) PIN - 785614

29: SARAT KUMAR TAMULY
SON OF LATE GHAN KANTA TAMULY
RESIDENT OF VILLAGE - DHEKIAL
P.O. - DHEKIAL
DISTRICT - GOLAGHAT (ASSAM) PIN - 785622

30: TIKENDRA SARMA
SON OF LATE KESAB SARMA
RESIDENT OF VILLAGE - JANGALBASTI
P.O. - DHEKIAJULI
DISTRICT - SONITPUR (ASSAM) PIN - 784110

31: NITYANANDA BHAGAWATI
SON OF BIREN CH. BHAGAWATI
RESIDENT OF VILLAGE - BAKALIAGHAT
2 NO. UADALI
P.O. - BAKALIAGHAT
DISTRICT - KARBI ANGLONG (ASSAM) PIN -32

32: SATYABRAT RAJBONGSHI
SON OF RESIDENT OF VILLAGE - 3 NO. SUKLAL P.O. - SUKLAL
DISTRICT - UDALGURI (ASSAM) PIN - 784527

33: PRADIP BORAH
SON OF LATE RAJANI BORAH
R/O. VILLAGE - PURBA JYOTI KRISURIDAM
P.O. - DULISUMONI
DISTRICT - BISWANATH (ASSAM) PIN - 784178

34: DIPEN DEURI
SON OF LATE ATUL DEURI
RESIDENT OF VILLAGE - SANTIPUR



P.O. - SANTIPUR
DISTRICT - BISWANATH (ASSAM) PIN - 784178

35: SANJIB BARMAN
SON OF RESIDENT OF VILLAGE - RONAKUCHI
P.O. - DIGHELI
DISTRICT - NALBARI (ASSAM)

36: WAHIDUR RAHMAN
SON OF ALIMUDDIN AHMED
RESIDENT OF VILLAGE - UKHURA
P.O. - BARAMBAI
DISTRICT - KAMRUP (ASSAM) PIN - 781104

37: UTPAL DEKA
SON OF RESIDENT OF VILLAGE - SARTHEBARI
WARD NO. 01
P.O. - SARTHEBARI
DISTRICT - BARPETA (ASSAM) PIN -

38: RANJAN BAISHYA
SON OF RESIDENT OF VILLAGE - BADESHILA
P.O. - HELACHA
DISTRICT - NALBARI (ASSAM) PIN - 781338

39: KAMALA KANTA DAS
SON OF SRI NANDA RAM DAS
RESIDENT OF VILLAGE - NO. 3 SUKLAI P.O. - SUKLAI
DISTRICT - UDALGURI (ASSAM) PIN -

40: TAHER ALI
SON OF MABAB ALI
RESIDENT OF VILLAGE - PATRAPUR
P.O. - KANDUY
DISTRICT - KAMRUP (ASSAM) PIN - 781121

41: SUJIT KUMAR GUPTA
SON OF LATE JAY PRAKASH GUPTA
RESIDENT OF WARD NO. -13
AM. CO. ROAD
BARDALAI PATH
P.O. DHUBRI
DIST DHUBRI (ASSAM) PIN - 1783323

42: ANANDA NATH
SON OF LATE MONMOHAN NATH
RESIDENT OF KHALILPUR
NEAR P.H.E. SUB DIV. DHUBRI



P.O - BIDYAPARA
DISTRICT - DHUBRI
(ASSAM)
PIN - 783324

43: NUR ISLAM
SON OF LATE SOLEMAN SK
RESIDENT OF KACHUAKHAS PT-I
DHARMASALA
DHUBRI
P.O - DHARMASALA
DHUBRI
DISTRICT - DHUBRI
(ASSAM) PIN 783324

44: SUBRATA GHOSH
SON OF LATE KESTO CHANDRA GHOSH
RESIDENT OF WARD NO. 8
NEAR DURGA TEMPLE
P.O - GAURIPUR
DISTRICT - DHUBRI
(ASSAM) PIN 783331

45: AKHAY KALITA
SON OF LATE BHABEN KALITA
VILLAGE BARAMA
DISTRICT BAKSA
(ASSAM)

46: NASHIRUDDIN SK
SON OF LATE SOLEMAN SK.
RESIDENT OF KACHUAKHAS PT-I
P.O. DHARMASALA
DHUBRI
DISTRICT - DHUBRI
(ASSAM) PIN - 783324

47: KRISHNA BARMAN
SON OF LATE. NILKANTA BARMAN
RESIDENT OF VILL-PHULGURI
P.O PANIGAON
DIST NALBARI
(ASSAM) PIN - 781303

48: DHANESWAR NATH
SON OF RAMA KANTA NATH
RESIDENT OF VILLAGE - UPPAR KARKASHI
P.O. DOHELA



DISTRICT GOALPARA
(ASSAM) PIN - 1783125

49: LAKHI KANTA MEDHI
SON OF LATE PARESH CH MEDHI
RESIDENT OF WARD NO. - 02
CHANDARIA 147
GOALPARA
DISTRICT - GOALPARA
(ASSAM) PIN - 783101

50: JYOTISH KALITA
SON OF LATE MOHIM KALITA
RESIDENT OF VILL. - BAMUNDI
P.O. BAMUNDI
DISTRICT - KAMRUP (ASSAM) PIN - 781103

51: FOYJUDDIN SK
SON OF RAHMAN ALI
RESIDENT OF VILL-DHARMASALA PT-IV
P.O - DHARMASALA
DISTRICT - DHUBRI (ASSAM) PIN - 783324

52: SANKAR GHOSH
SON OF LATE SUSHIL GHOSH
RESIDENT OF WARD NO-14
GHOSH PARA
DHUBRI
P.O. BIDYAPARA
DISTRICT - DHUBRI
(ASSAM) PIN - 783324

53: SUBARNA KUMAR NATH
S/O LATE GIRISH CH. NATH
R/O WARD NO-06 TILAPARA
P.O.-GOALPARA
DIST-GOALPARA (ASSAM)
PIN-783101

54: KRISHNA BARMAN
SON OF LATE JOLODHAR BARMAN
RESIDENT OF VILL SAKOMURA PT-III
P.O.- CHALATAPARA
DISTRICT - BONGAIGAON
(ASSAM) PIN - 783388

55: PRADIP MEDHI
SON OF LATE JAGARNATH MEDHI



RESIDENT OF WARD NO. - 5
TILAPARA
(S.S. ROAD)
P.O. GOALPARA
DISTRICT GOALPARA (ASSAM) PIN - 783101

56: DIPESH RABHA
SON OF LATE SONESWAR RABHA
RESIDENT OF WARD NO. 01
CHANDARIA
NEAR ASSAM CLUB
P.O. GOALPARA
DISTRICT GOALPARA (ASSAM) PIN - 783101

57: NAKIB HUSSAIN
SON OF LATE ALAUDDIN HUSSAIN
RESIDENT OF WARD NO. 04
AMBARI
GOALPARA
P.O. GOALPARA
DISTRICT GOALPARA (ASSAM) PIN - 78310

VERSUS

THE STATE OF ASSAM AND 10 ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM,
DEPARTMENT OF HOUSING AND URBAN AFFAIRS,
DISPUR, GUWAHATI- 781006.

2:THE ADDITIONAL CHIEF SECRETARY TO THE GOVERNMENT OF ASSAM
DEPARTMENT OF HOUSING AND URBAN AFFAIRS
DISPUR
GUWAHATI- 781006

3:THE ASSAM URBAN WATER SUPPLY AND SEWERAGE BOARD
AMRITPUR PATH
GANESHGURI
GUWAHATI-781006
REPRESENTED BY THE MANAGING DIRECTOR

4:THE MANAGING DIRECTOR
ASSAM URBAN WATER SUPPLY AND SEWERAGE BOARD
AMRITPUR PATH
GANESHGURI
GUWAHATI-781006

5:THE DIRECTOR



MUNICIPAL ADMINISTRATION
ASSAM
NEAR GANESH MANDIR
DISPUR
GUWAHATI 781006

6:THE CHIEF ENGINEER
ASSAM URBAN WATER SUPPLY AND SEWERAGE BOARD
GUWAHATI- 781005

7:THE SUPERINTENDING ENGINEER
ASSAM URBAN WATER SUPPLY AND SEWERAGE BOARD
GUWAHATI- 781005

8:THE EXECUTIVE ENGINEER
ASSAM URBAN WATER SUPPLY AND SEWERAGE BOARD
GUWAHATI DIVISION
GUWAHATI- 781024

9:THE EXECUTIVE ENGINEER
ASSAM URBAN WATER SUPPLY AND SEWERAGE BOARD
DHUBRI DIVISION
DHUBRI
ASSAM

10:THE EXECUTIVE ENGINEER
ASSAM URBAN WATER SUPPLY AND SEWERAGE BOARD
NORTH ASSAM DIVISION
ASSAM

11:THE EXECUTIVE ENGINEER
ASSAM URBAN WATER SUPPLY AND SEWERAGE BOARD
JORHAT DIVISION
JORHA

Advocate for the Petitioner : MR. U K NAIR

Advocate for the Respondent : GA, ASSAM

Linked Case : WP(C)/1989/2023

BISWAJYOTI DAS AND 33 ORS
S/O SRI BIDHAN CH DAS



R/O RABINDRA SARANI
NEAR SARANI MANDIR
HKD ROAD
SILCHAR
DIST-CACHAR
ASSAM-788005

2: SANJAY DUSAD
S/O LATE RAM LAKSHMAN DUSAD
R/O P.O. AND VILL-PAILA POST
DIST-CACHAR
ASSAM
PIN-788098

3: ANJAN GOALA
S/O HIRANLAL GOALA
R/O DURGAKONA
DIST-CACHAR
ASSAM
PIN-788011

4: DASHARATH PRASAD
S/O LATE RAM BHAJAN PRASAD
R/O HOUSE NO. 3
SARADA SARANI
N.H. WAY
SILCHAR
DIST-CACHAR
ASSAM 788005

5: NIRENDRA NAMOSUDRA
S/O LATE ABHAY NAMOSUDRA
R/O BIPIN PAUL SARANI
HAILAKANDI ROAD
SILCHAR
DIST-CACHAR
ASSAM 788005

6: NAZU AHMED MAZUMDAR
S/O LATE MUKTAR UDDIN MAZUMDER
R/O UTTAR KRISHNAPUR PART-I
SILCHAR
DIST-CACHAR
ASSAM 788005

7: NIRMAL GOALA
S/O LATE RAM MURAT GOALA
R/O VILL-NUTUN BASTI



P.O.-SINGER BOND
P.S.-LAKHIPUR
SILCHAR
DIST-CACHAR
ASSAM-788126

8: BISHNU BANIA
S/O LATE RAM NARAYAN BANIA
R/O DWARBON DAKKIN TILLA
SILCHAR
DIST-CACHAR
ASSAM-788006

9: BIJOYANANDA GOALA
S/O SRI BOLIRAM GOALA
R/O NATIONAL HIGHWAY SILCHAR
DIST-CACHAR
ASSAM-788005

10: GOPAL CH. DEB
S/O LATE KEDAR CH. DEB
R/O SRE DAS LANE
NATIONAL HIGHWAY
SILCHAR
DIST-CACHAR
ASSAM-788006

11: CHANDAN DAS
S/O LATE KUMUD CH. DAS
R/O ASHUTOSH SARANI
HAILAKANDI ROAD
SILCHAR
DIST-CACHAR
ASSAM-788006

12: AMARJIT GOALA
S/O LATE LACHMI PRASAD GOALA
R/O VILLAGE BARIK NAGAR
PART-II
P.O.-SILCOORIE
SILCHAR
DIST-CACHAR
ASSAM-788118

13: PINTU PAUL
S/O LATE SACHINDRA PAUL
R/O VILL-RENGTI BASTI
P.O.-JAIFORPUR



SILCHAR
DIST-CACHAR
ASSAM-788005

14: SUKLA CHOUDHURY
W/O RAJU CHOUDHURY
R/O RANGIRKHARI HAILAKANDI ROAD
NEAR DAS COLONY
SILCHAR
DIST-CACHAR
ASSAM-788005

15: RAMAN BISWAS
S/O LATE KALIPADA BISWAS
R/O PAILAPOOL LOBACPAR
PART-III
SILCHAR
DIST-CACHAR
ASSAM-788098

16: HIROK DEY
S/O LATE NRIPESH CH. DEY
R/O VILL AND P.O.-PAILAPOOL
P.S.-LAKHIPUR
SILCHAR
DIST-CACHAR
ASSAM-788098

17: AJOY KUMAR YADAV
S/O LATE HARI PRASAD YADAV
R/O MODHU TILLA
P.O.-N.I.T.
SILCHAR
DIST-CACHAR
ASSAM
PIN-788010

18: AHMADUL HOQUE LASKAR
S/O LATE FAIZUDDIN LASKAR
R/O VILL-SATKARAKANDI
PART-II
P.O.-SATKARAKANDI
SILCHAR
DIST-CACHAR
ASSAM-788013

19: SUBRATA DAS
S/O LATE SITTANGSHU DAS



R/O RABINDRA SARANI
HOUSE NO. 27
HAILAKANDI ROAD
SILCHAR
DIST-CACHAR
ASSAM-788005

20: BITTU DAS
S/O LATE AKHIL DAS
R/O MAHANAM BRATO SARANI
SILCHAR
DIST-CACHAR
ASSAM-788005

21: GOURANGA GOALA
S/O - GUNESH PRASAD GOALA
AGED ABOUT - 39 YEARS
R/O - DUNGRU BASTI

P.O. - PALONGHAT

SILCHAR
DISTRICT - CACHAR

ASSAM - 788116

22: RAJEN KALWAR
S/O - LATE RUPLAL KALWAR
AGED ABOUT - 34 YEARS
R/O - VILLAGE AND P.O. PAILA POOL
SILCHAR
DISTRICT - CACHAR

ASSAM - 788098

23: BADRUL ALAM MAZUMDER
S/O - LATE RUHUL AMIN MAZUMDAR
AGED ABOUT - 41 YEARS
R/O - UTTAR KRISHNAPUR
PART-I

P.O. UTTAR KRISHNAPUR
SONAI ROAD

SILCHAR
DISTRICT - CACHAR

ASSAM - 788006



24: DIPU KUMAR DAS
S/O - LATE GIRINDRA KR. DAS

AGED ABOUT - 43 YEARS
R/O - 1ST LINK ROAD

LANE NO. 14
HOUSE NO. 32

SILCHAR
DISTRICT - CACHAR

ASSAM - 788006

25: ANWAR HUSSAIN MAZMDER
S/O - LATE MOINU HAQUE MAZUMDAR
AGED ABOUT - 52 YEARS
R/O - UTTAR KRISHNAPUR
PART-I

P.O. UTTAR KRISHNAPUR

SILCHAR
DISTRICT - CACHAR

ASSAM - 788006

26: ABDUS SALAM MD. MUZAKHIR MAZUMDAR
S/O - LATE MUDASSIR ALI MAZUMDAR
AGED ABOUT - 51 YEARS

R/O - VILLAGE -UTTARKRISHNAPUR
PT-I

SILCHAR
DISTRICT - CACHAR

ASSAM - 788006

27: BHAJANLAL GOALA
S/O - LATE KISHUN GOALA
AGED ABOUT - 38 YEARS
R/O - VILLAGE - KAPTANPUR
PT-I

P.O. KAPTANPUR

SILCHAR



DISTRICT - CACHAR

ASSAM - 788119

28: HIRONMOY ROY
S/O - LATE PROVHAT CHANDRA ROY
AGED ABOUT - 47 YEARS
R/O - VILLAGE - JAMALPAR

SILCHAR
DISTRICT - CACHAR

ASSAM - 788116

29: BIJOY LOHAR
S/O - LATE MOHAN LOHAR
AGED ABOUT - 43 YEARS
R/O - SAUTILLA
P.O. DULLABCHERRA
SILCHAR
DISTRICT - KARIMGANJ

ASSAM - 788736

30: DILIP DEB
S/O - LATE DHIRENDRA DEB
AGED ABOUT - 46 YEARS

R/O - KANAKPUR ROAD

PART-II
SHYAMANANDA LANE

LANE NO. 08
HOUSE NO. 16

SILCHAR
DISTRICT - CACHAR

ASSAM - 788005

31: PRATAP SINGH YADAV
S/O - LATE GAYA PRASAD GOALA
AGED ABOUT - 43 YEARS
R/O - VILLAGE - DUGRU BASTI

P.O. - PALONGHAT



SILCHAR
DISTRICT - CACHAR

ASSAM - 788116

32: ROSHMI DEB
W/O - BISHMARUP DEB
AGED ABOUT - 35 YEARS

R/O - RONGPURSANTIPUR

SILCHAR
DISTRICT - CACHAR

ASSAM - 788009

33: MAHUA BHOWMIK
D/O - LATE ARUN KR GUPTA

AGED ABOUT - 50 YEARS
R/O - SOUMITRA BHOWMIK

EAST PADMANAYARBILPAR
SILCHAR
DISTRICT - CACHAR

ASSAM - 78800

34: GAUTAM DEBNATH
S/O - LATE KHAGENDRA DEBNATH
AGED ABOUT - 39 YEARS
R/O - SONAI ROAD
SURAT PALLY

SILCHAR
DISTRICT - CACHAR

ASSAM - 788006
VERSUS

THE STATE OF ASSAM AND 8 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM
DEPARTMENT OF HOUSING AND URBAN AFFAIRS
DISPUR
GUWAHATI-06

2: THE ADDITIONAL CHIEF SECRETARY TO THE GOVERNMENT OF ASSAM



DEPARTMENT OF HOUSING AND URBAN AFFAIRS
DISPUR

GUWAHATI-06

3:THE ASSAM URBAN WATER SUPPLY AND SEWERAGE BOARD
AMRITPUR PATH

GANESHGURI

GUWAHATI -06

REPRESENTED BY ITS MANAGING DIRECTOR

4:THE DIRECTOR

MUNICIPAL ADMINISTRATION

ASSAM

NEAR GANESH MANDIR

DISPUR

GUWAHATI-06

5:DEPUTY COMMISSIONER

CACHAR

SILCHAR

6:THE DISTRICT DEVELOPMENT COMMISSIONER

CACHAR

SILCHAR

7:SILCHAR MUNICIPAL BOARD

REPRESENTED BY ITS CHAIRMAN

SILCHAR

CACHAR

8:THE EXECUTIVE ENGINEER

ASSAM URBAN WATER SUPPLY AND SEWERAGE BOARD

BARAK VALLEY DIVISION

SILCHAR-5

9:THE COMMISSIONER AND SECRETARY

FINANCE DEPARTMENT

DISPUR

GUWAHATI-06

Advocate for : MR B D DAS

Advocate for : GA

ASSAM appearing for THE STATE OF ASSAM AND 8 ORS

Linked Case : WP(C)/3263/2023

TRAILOKYA KUMAR DAS AND 21 ORS

SON OF DINABANDHU DAS

RESIDENT OF VILLAGE AND PO PATBAUSI

DISTRICT BARPETA

ASSAM.



2: NARESWAR KALITA
SON OF LATE PANCHANAND KALITA
RESIDENT OF VILLAGE PIPLA
PO NITYANANDA
DISTRICT BAJALI
ASSAM.

3: HITESH SARMA
SON OF UMESH SARMA
RESIDENT OF VILLAGE NIZ NAMATI
PO NAMATI
DISTRICT NALBARI
ASSAM.

4: ARUN DAS
SON OF LATE NAGEN DAS
RESIDENT OF VILLAGE WARD NO 2 PUBPAHARTOLI
PO GOALPARA
DISTRICT GOALPARA
ASSAM.

5: SMT. ANIMA TALUKDAR
DAUGHTER OF LATE BANIKANTA TALUKDR
RESIDENT OF VILLAGE WARD NO 8 SEUJPUR
PO BARPETA ROAD
DISTRICT BARPETA
ASSAM.

6: PRANJIT BHAGAWATI
SON OF LATE NARENDRA BHAGAWATI
RESIDENT OF VILLAGE HARIGHAT
PO HELASHA
DISTRICT BARPETA
ASSAM.

7: SUJAL KUMAR DEY
SON OF LATE SUBHASH DEY
RESIDENT OF WARD NO. 8
PO BARPETA ROAD
DISTRICT BARPETA
ASSAM.

8: DINESH CHANDRA DAS
SON OF LATE DASHARATH DAS
RESIDENT OF VILLAGE DAKSHIN REHABARI
PO PUB REHABARI
DISTRRACT BAJALI



ASSAM.

9: DHANJIT DAS
SON OF LATE UMESH CHANDRA DAS
RESIDENT OF VILLAGE SHINGRA
PO GARARTARI
DISTRICT BARPETA
ASSAM.

10: PARAMANANDA GAYARI
SON OF LATE AMAR GAYARI
RESIDENT OF VILLAGE BANDHOI SIDHANIGAR
PO BAGHMARA BAZAR
DISTRICT BAJATI
ASSAM.

11: TARANI DAS
SON OF MEGDAR DAS
RESIDENT OF VILLAGE UTTAR GANAKGARI
PO SARBHOG
DISTRICT BARPETA
ASSAM.

12: DIBAKAR DAS
SON OF LAKSHI KANTA DAS
RESIDENT OF VILLAGE AND PO BHULUKAGABA
DISTRICT BARPETA
ASSAM.

13: RANJIT SHARMA
SON OF LATE JAGEDRA SHARMA
RESIDENT OF VILLAGE KHUDRAKATARA
PO CHENGROI
DISTRICT NALBARI
ASSAM.

(1 TO 13 WORKING UNDER BARPETA ROAD WATER SUPPLY SCHEME OF ASSAM URBAN WATER SUPPLY AND SEWERAGE BOARD).

14: MD AZIZUL ALI
SON OF LATE AKBAR ALI
RESIDENT OF VILLAGE MANICKPUR
DISTRICT BONGAIGOAN
ASSAM.

(WORKING UNDER JORHAT SUB-DIVISION OF ASSAM URBAN WATER SUPPLY AND SEWERAGE BOARD)

15: SUBASH SARMAH
SON OF RAJANI SARMAH



RESIDENT OF VILLAGE BAGURIHATE PO NALBARI DISTRICT NALBARI.
(WORKING UNDER DHUBRI SUB-DIVISION OF ASSAM URBAN WATER
SUPPLY AND SEWERAGE BOARD)

16: DANDI RAM DAS
SON OF KRISHNA MOHAN DAS
RESIDENT OF VILLAGE DEOLKUSHI
PO DEOLKUSHI
DISTRICT KAMRUP. ASSAM.
(WORKING UNDER DHUBRI SUB-DIVISION OF ASSAM URBAN WATER
SUPPLY AND SEWERAGE BOARD)

17: MANASH KHAUND
SON OF LATE KASHAB KHAUND
RESIDENT OF VILLAGE SAMORI KHOWA PO BISWANATH CHARIALI
DISTRICT SONITPUR
ASSAM.
(WORKING UNDER GUWAHATI DIVISION -II OF ASSAM URBAN WATER
SUPPLY AND SEWERAGE BOARD)

18: DIGANTA BAISYA
SON OF SARAkan BAISHYA
RESIDENT OF VILLAGE WARD NO. 1 BANIAPARA
PO MANGALDAI
DISTRICT DARRANG
ASSAM.
(WORKING UNDER GUWAHATI DIVISION-II OF ASSAM URBAN WATER
SUPPLY AND SEWERAGE BOARD)

19: DIPU RABHA
SON OF RABIN RABHA
RESIDENT OF VILLAGE WARD NO. 2 PAHARTULI
PO GOALPARA
DISTRICT GOALPARA
ASSAM.
(WORKING UNDER DHUBRI DIVISION OF ASSAM URBAN WATER SUPPLY
AND SEWERAGE BOARD)

20: DEBESWAR KALITA
SON OF LATE RAM KRISHNA KALITA
RESIDENT OF VILLAGE WARD NO. 1 RUPJYOI
PO GOALPARA
DISTRICT GOALPARA
ASSAM.
(WORKING UNDER JORHAT DIVISION OF ASSAM URBAN WATER SUPPLY
AND SEWERAGE BOARD)

21: MONOJ KUMAR DOLEY



SON OF TORSHING DOLEY
PO KKAJAN TINIALI
PS SILAPATHAR
DISTRICT DHEMAJI
ASSAM.

(WORKING UNDER JORHAT DIVISION OF ASSAM URBAN WATER SUPPLY
AND SEWERAGE BOARD)

22: RAJU PHUKAN
SON OF LATE NAGEN PHUKAN
PO BILLGAON
PS BORPATHAR
DISTRICT GOLAGHAT
ASSAM.

(WORKING UNDER JORHAT DIVISION OF ASSAM URBAN WATER SUPPLY
AND SEWERAGE BOARD)

VERSUS

THE STATE OF ASSAM AND 10 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT
OF ASSAM
DEPARTMENT OF HOUSING AND URBAN AFFAIRS
DISPUR
GUWAHATI- 781006.

2:THE ADDITIONAL CHIEF SECRETARY TO THE GOVERNMENT OF ASSAM
DEPARTMENT OF HOUSING AND URBAN AFFAIRS
DISPUR
GUWAHATI- 781006.

3:THE ASSAM URBAN WATER SUPPLY AND SEWERAGE BOARD
AMRITPUR PATH
GANESHGURI
GUWAHATI-781006
REPRESENTED BY THE MANAGING DIRECTOR.

4:THE MANAGING DIRECTOR
ASSAM URBAN WATER SUPPLY AND SEWERAGE BOARD
AMRITPUR PATH
GANESHGURI
GUWAHATI-781006.

5:THE DIRECTOR
MUNICIPAL ADMINISTRATION
ASSAM
NEAR GANESH MANDIR
DISPUR
GUWAHATI 781006

6:THE CHIEF ENGINEER
ASSAM URBAN WATER SUPPLY AND SEWERAGE BOARD
GUWAHATI- 781005.



7:THE SUPERINTENDING ENGINEER
ASSAM URBAN WATER SUPPLY AND SEWERAGE BOARD
GUWAHATI- 781005.

8:THE EXECUTIVE ENGINEER
ASSAM URBAN WATER SUPPLY AND SEWERAGE BOARD
GUWAHATI DIVISION
GUWAHATI- 781024.

9:THE EXECUTIVE ENGINEER
ASSAM URBAN WATER SUPPLY AND SEWERAGE BOARD
DHUBRI DIVISION
DHUBRI
ASSAM.

10:THE EXECUTIVE ENGINEER
ASSAM URBAN WATER SUPPLY AND SEWERAGE BOARD
BARPETA ROAD DIVISION
BARPETA
ASSAM

11:THE EXECUTIVE ENGINEER
ASSAM URBAN WATER SUPPLY AND SEWERAGE BOARD
JORHAT DIVISION
JORHAT.

Advocate for : MRS. K DEVI

Advocate for : GA

ASSAM appearing for THE STATE OF ASSAM AND 10 ORS

BEFORE

HON'BLE MR. JUSTICE SANJAY KUMAR MEDHI

Advocates for the petitioners : Shri MK Choudhury, Sr. Adv.
Ms. K. Devi
Shri BD Das, Sr. Adv.
Shri HK Das

Advocates for the respondents : Shri S. Dutta, Sr. Adv. [SC-SMB]
Shri P. Nayak, SC-H&UD Dept.
Shri SP Choudhury, SC-AUWS&S
Shri R. Borpujari, SC-Finance

Date of hearing : **18.07.2024**

Date of Judgment : **26.07.2024**



JUDGMENT & ORDER

All these three writ petitions being connected with similar grievance and reliefs, those are taken together for hearing and are disposed of by this common judgment and order. The grievance, in gist is the issue regarding the monthly salaries of the petitioners and their regularization in service.

2. Before going to the issue which has arisen for determination, it would be convenient if the facts of the cases are narrated briefly.

3. In writ petition WP(C)/7586/2022, there are 57 nos. of petitioners who were initially working under the Assam Urban Water Supply and Sewerage Board (hereinafter AUWS&S Board) in various parts of the State. Similarly, in WP(C)/3263/2023, there are 22 nos. of petitioners working in similar capacity on work charged basis. The petitioners in WP(C)/1989/2023 are 34 in numbers who are also working as work charged Khalashi in the Barak Valley Division of the AUWS&S Board. The petitioners claim to have been working for a long period of time without their services being regularized. Vide a notification dated 21.06.2022 issued by the Housing and Urban Affairs Department, Government of Assam, the AUWS&S Board was to partially handover the running schemes to the Urban Local Bodies (ULBs) and the concerned ULBs would bear the cost of electricity bill, chemical and maintenance bill of such schemes from the available fund under the 15th F.C. Tied Grant and AUWS&S Board would continue to operate and collect revenues until these schemes are fully handed over to the respective ULBs. The said order was passed pursuant to a decision taken in the meeting chaired by the Chief Minister of the State on 14.05.2022. The principal grievance of the petitioners is on the aspect of the payment of their regular salaries and also regularization of their services. In fact, in WP(C)/7586/2022



and 3263/2023, prayer has also been made for setting aside the aforesaid order dated 21.06.2022.

4. I have heard Shri MK Choudhury, learned Senior Counsel assisted by Ms. K. Devi, learned counsel for the petitioners in WP(C)/7586/2022 and 3263/2023 and Shri BD Das, learned Senior Counsel assisted by Shri HK Sarma, learned counsel for the petitioners in WP(C)/1989/2023. I have also heard Shri S. Dutta, learned Senior Counsel for the Silchar Municipal Board; Shri P. Nayak, learned Standing Counsel, Housing and Urban Development Department; Shri R. Borpujari, learned Standing Counsel, Finance Department and Shri SP Choudhury, learned counsel for the Assam Urban Water Supply and Sewerage Board.

5. Shri MK Choudhury, learned Senior Counsel for the petitioners has submitted that the principal grievance was based on the apprehension that the aspect of salaries was not taken into consideration while passing the impugned order dated 21.06.2022. He has submitted that after handing over of the running schemes to the ULBs, while the aspect of cost of electricity bill, chemical and maintenance bill were specifically mentioned in the said order, there was no mention regarding payment of salaries. The learned Senior Counsel has however submitted that the aspect of the salaries of the petitioners represented by him have been redressed to a certain extent as salaries have been paid. However, payment of such salaries is not being done regularly and in a timely manner. He submits that the petitioners having discharging their duties, payment of regular and timely salaries is their right.

6. On the aspect of regularization of the services of the petitioners, Shri Choudhury, the learned Senior Counsel has submitted that the petitioners have been rendering their services in work charged capacity for a long period of time.



In absence of an order of regularization of their services, the said services remain at an uncertain stage, which would be more when the petitioners would attain the age of superannuation. By referring to the affidavit-in-opposition filed by the respondent no. 6 - the Chief Engineer of the AUWS&S Board filed on 22.03.2023, the learned Senior Counsel for the petitioners has drawn the attention of this Court to the averments made in paragraph 8 thereof wherein, on the aspect of regularization of the services, it has been stated that the AUWS&S Board had decided to upgrade three work charged staff with the approval of the Finance (SIU) Department. It has also been stated that on various occasions, proposals have been submitted before the Housing and Urban Affairs Department for regularization of the services of the muster roll/work charged employee who were working with the AUWS&S Board and the same is pending in the concerned Department. The learned Senior Counsel reiterates that the petitioners have completed more than 20 years of service and accordingly prays for a direction that till the process of regularization is completed, the services of the petitioners may not be disturbed.

7. Shri BD Das, learned Senior Counsel appearing for the petitioners has submitted that the petitioners in his case all pertain to the Barak Valley Division and subsequent to the order dated 21.06.2022, their services have been transferred to the Silchar Municipal Board (SMB). It is specifically submitted that for the period of June, 2021 to January, 2022, no salaries have been paid to the petitioners and this was even prior to their transfer to the SMB. From February, 2022 to December, 2022 (11 months) the salaries have been paid to the petitioners from the fund of the Sewerage Board through the SMB. However, from January 2023, no salaries have been paid to the petitioners till date. It is also submitted that there has been no deduction of CPF as well as no deposit of



GSLI from February, 2022.

8. Shri Das, learned Senior Counsel has also referred to a communication dated 29.10.2021 issued by the Department of Housing and Urban Affairs to the Deputy Commissioner, Cachar which has been annexed as Annexure 3 to the writ petition and has contended that the transfer of the schemes to the Municipal Boards was for better functioning. The Deputy Commissioner was accordingly directed to make necessary arrangements for taking over the Silchar Water Supply Scheme with all men, materials and liabilities by the SMB. The details of the men, materials and liabilities was also attached with the said letter. He accordingly submits that the SMB cannot shy away from its responsibilities of paying the regular salaries to the petitioners and also the other service benefits. The difficulties faced by the petitioners in absence of their regular salaries have been highlighted and it is submitted that necessary directions are to be issued for regular disbursement of the salaries and the other service benefits.

9. Shri P. Nayak, learned Standing Counsel, Housing and Urban Affairs Department has, however raised an issue on the aspect of the prayer for regularization of the service. It is submitted that the petitioners were engaged under a particular scheme and therefore, their claim for regularization is without any basis. By referring to the affidavit-in-opposition filed on 29.08.2023 in WP(C)/1989/2023, the learned counsel has drawn the attention of this Court to the averments made in paragraph 4. It is submitted that the petitioners were engaged under the Silchar Water Supply Scheme implemented under Non-Lapsable Central Pool of Resources (NLCPR) Scheme initially by the AUWS&S Board and later taken over by the SMB. An amount of Rs.8,90,000/- was also decided to be credited to the bank account of the SMB which was collected by the AUWS&S Board as revenue before handing over. He has also highlighted the



gross anomalies in the revenue which is required to be collected and the actual collection. It is submitted that the petitioners who are responsible for collection of the revenue are themselves to be blamed for not being able to collect the estimated revenue. It has also been categorically submitted that the petitioners being appointed under Scheme, they are not the employees under the Government and therefore, their claim for regularization cannot be considered. It is submitted that the petitioners are not working under any substantive vacancies and they being a part of the Scheme are not also the employees of the SMB.

10. The learned Standing Counsel has also drawn the attention of this Court to a chart which is a part of the paragraph 15 to show that the Silchar Town Water Supply Scheme has sufficient revenue generation capacity to meet the salary requirements of its employees and if the revenue collection goes down in a particular month, the petitioners are themselves responsible for such low revenue generation. It is submitted that the petitioners are to be paid the salaries from the funds of the SMB and the Department cannot be burdened.

11. Appearing for the SMB, Shri S. Dutta, learned Senior Counsel has submitted that during the pendency of this case, an enquiry was done pursuant to an order dated 11.10.2023 of this Court in WP(C)/1989/2023. The said enquiry report which has been forwarded vide letter dated 17.02.2024 has taken into consideration the demand and actual collection statement of water tariff under the Silchar Water Supply Scheme. It is submitted that the said enquiry report would show that in a study made for the last five years from 2017-18 to 2021-22, the total shortfall was found to be Rs.11,65,314/-. It is also submitted that there was a huge liability of the AUWS&S Board towards CPF contribution which has increased after pay revision as per the ROP 2017. The learned Senior



Counsel has highlighted that all the records of the services of the petitioners have not been completely handed over by the AUWS&S Board to the SMB leading to further delay in resolution of the matter. The learned Senior Counsel has submitted that delay in CPF contribution also invites penalty and the SMB are having serious apprehension of being saddled with such penalty for no fault of it.

12. By referring to the additional affidavit-in-opposition filed by the SMB on 08.09.2023, Shri Dutta, learned Senior Counsel has drawn the attention of this Court to the averments made in paragraph 7 to contend that the AUWS&S Board had failed to furnish proper books of account, liabilities towards their employees, CPF contribution etc. Reference has also been made to the minutes of meeting held on 07.06.2023 amongst the various authorities whereby it was resolved to submit audited accounts with the relevant books of the water supply scheme. The statement of the Executive Engineer, AUWS&S Board, Barak Valley Division recorded on 16.08.2023 has also been referred to wherein the reasons for decrease in revenue have been highlighted.

13. Shri Dutta, learned Senior Counsel has also referred to the Article 243Y of the Constitution of India as per which there is a provision for a Finance Commission pertaining to municipal bodies which envisages grants-in-aid to the municipal bodies from the consolidated funds of the State. It is contended that the State Government is required to take an active step to resolve the issue by making available the funds by means of grants-in-aid.

14. Shri R. Borpujari, learned Standing Counsel, Finance Department submits that the Finance Department has been made a party respondent no. 9 in WP(C)/1989/2023. By referring to the affidavit-in-opposition filed on 25.08.2023 in the aforesaid writ petition, the learned Standing Counsel has submitted that



the financial burden connected to the issue cannot be saddled on the Finance Department or the Administrative Department in the Government as the Urban Local Bodies have their own revenue generating mechanism. In the said affidavit, it has been averred in paragraph 4 that the Finance Department had issued a letter dated 09.08.2023 to the Housing and Urban Affairs Department which is the Administrative Department to clarify the liabilities of the petitioners.

15. Shri Borpujari has also highlighted certain constitutional aspects relating to the issue. He has referred to Part IX A of the Constitution of India which pertains to Municipalities. By referring to Article 243 X, he submits that the Municipalities have been vested with powers to impose tax and also deals with the funds. Under the said provision, the State may also provide for making such grants-in-aid to the Municipalities from the consolidated funds of the State. Reference has been made to Article 243 W to contend that the Municipalities are to function as institutions of self Government and may be vested with such powers and responsibilities for preparation of plans for economic development and performance of functions and implementation of schemes.

16. Shri Borpujari has also referred to the Assam Municipal Act, 1956. By referring to Section 50, he has contended that the Municipalities has the power to make appointment and payment of the establishment. Section 54 relates to liability for loss and waste and Section 58 is in connection with constitution and custody of municipal funds. Section 58 (2) (d) is for grants-in-aid by the Government and under Section 59, the Municipal Boards may raise loans. Section 60 is in connection with application of the funds. He accordingly submits that in view of the aforesaid constitutional mechanism, no liability can be fastened upon the State Government to pay salaries of the persons serving with the Municipalities. He has also endorsed the submission made on behalf of the



Housing and Urban Affairs Department that the petitioners are only connected with a scheme and neither the employees of the State nor of the Municipalities.

17. The rival submissions have been duly considered and the materials placed before this Court have been carefully perused.

18. Certain things are undisputed and amongst those is the fact that all the petitioners were serving under the AUWS&S Board in various parts of Assam and as indicated above, in WP(C)/1989/2023, the petitioners were in the Barak Valley Division. The scheme in which the petitioners have been working is connected to the water supply and sewerage and such schemes cannot, in any manner be construed to be temporary or seasonal in nature. On the contrary, such scheme is of perennial nature as water supply and sewerage is one of the essential activities for the society. The decision taken by the Government on 21.06.2022 to handover the schemes to the Urban Local Bodies from the AUWS&S Board in no manner can adversely affect the rights and interest of the petitioners as it is only a case of the change of the employer by a decision taken by the Government in which the petitioners admittedly did not have any role. By that action, the salaries and other service benefits of the petitioners cannot be adversely affected at all.

19. Though an apprehension was expressed by few of the petitioners regarding their salaries after such transfer of scheme to the Urban Local Bodies in view of the absence of any expressed direction in the order dated 21.06.2022, from the subsequent developments, such apprehension does not appear to be based on any grounds. In any event, as discussed above, the handing over the scheme cannot be to the prejudice of the personnel connected with the said scheme.



20. As indicated above, the relief pertains to regular salaries along with incidental entitlements like CPF etc. and the aspect of regularization of service. This Court would however like to take up the issue pertaining to the regularization of service first.

21. The law relating to regularization of service is no longer *res integra* and has been settled by authoritative pronouncements by the Hon'ble Supreme Court in amongst others, the case of **Secretary, State of Karnataka and Ors. Vs. Umadevi (3) and Ors.** reported in **(2006) 4 SCC 1**. The relevant observations made in the said case are extracted hereinbelow-

“53. One aspect needs to be clarified. There may be cases where irregular appointments (not illegal appointments) as explained in S.V. Narayanappa, R.N. Nanjundappa and B.N. Nagarajan and referred to in paragraph 15 above, of duly qualified persons in duly sanctioned vacant posts might have been made and the employees have continued to work for ten years or more but without the intervention of orders of courts or of tribunals. The question of regularization of the services of such employees may have to be considered on merits in the light of the principles settled by this Court in the cases above referred to and in the light of this judgment. In that context, the Union of India, the State Governments and their instrumentalities should take steps to regularise as a onetime measure, the services of such irregularly appointed, who have worked for ten years or more in duly sanctioned posts but not under cover of orders of courts or of tribunals and should further ensure that regular recruitments are undertaken to fill those vacant sanctioned posts that require to be



filled up, in cases where temporary employees or daily wagers are being now employed. The process must be set in motion within six months from this date. We also clarify that regularization, if any already made, but not sub judice, need not be reopened based on this judgment, but there should be no further by-passing of the constitutional requirement and regularising or making permanent, those not duly appointed as per the constitutional scheme.”

22. It is seen that as a one-time measure, regularization has been permitted for employees who were appointed in a sanctioned vacant post and have been continuing in their service without any interim protection of any Court and possesses the requisite qualification.

23. In the instant case, it clearly appears that the initial induction of the petitioner in service in the AUWS&S Board was not against any sanctioned vacant post and rather the materials on records would show that the appointments were under a particular scheme. In fact, vide the impugned order dated 26.06.2022 there is a clear direction that the running schemes were to be handed over to the urban local bodies.

24. In this connection, it would be relevant to refer to the statements made by the AUWS&S Board in its affidavit-in-opposition filed on 22.03.2023 on the aspect of regularization of services of the petitioners. In paragraph 8 of the said affidavit-in-opposition, the following statement has been made-

“8. That with regard to the statements made in paragraph 10 of the Writ Petition the deponent begs to state that the Board authority has decided to upgrade the three Work Charge staff as mentioned above with the approval of the Finance (SIU) Department,



Government of Assam. However, the Board on various occasion submitted proposal before the Department of Housing and Urban Affairs, Dispur for regularization of services of Muster Roll/Work Charge worker who were working with the Board till date but the same is still pending in the concerned Department."

25. The learned counsel for the petitioners has strenuously argued that in view of such stand, a direction for regularization of service of the petitioners may be issued. This Court however of the firm view that while the employer may take certain steps for regularization of the services of its employees which however has to be done strictly in accordance with law, a direction for regularization as such, cannot be issued by this Court, more so, when this Court has already noticed that the petitioners do not fulfill one of the basic requirements for consideration of such regularization. The authorities are however at liberty to bring the aspect to a logical conclusion, however, strictly in accordance with the law governing the field of regularization.

26. This brings this Court to the issue of payment of salaries. It may be mentioned that this Court vide an order dated 11.10.2023, on the suggestion of the learned Advocate General, Assam had directed constitution of a Committee to make an enquiry so far as the revenue collection of the SMB is concerned. In compliance with the said order, a Committee was constituted which had furnished a report and the same was forwarded to the District Commissioner, Cachar on 17.02.2024. The Committee noticed that the SMB could not furnish the statement of expenditure relating to electricity bill, operational maintenance, PoL etc. and therefore, the receipt and expenditure statement could not be prepared. The issue of theft of water meter was also raised. The SMB had expressed difficulty as the concerned personnel were yet to be released from



the Silchar AUWS&S Board as well as from the CPFO portal. The apprehension regarding the penal measures for outstanding EPF was also highlighted. The Committee had ultimately come to the following findings:

“From the above facts, figure & observations, the enquiry team is of the opinion that the board did not envision the collection of water tariff and whether it will be able to accommodate the additional quantum of fund required for pay & wages after pay revision. There are certain procedural lapses on the part of the Silchar A.U.W.S. & S. Board in record keeping & furnishing of records. The team is of the opinion that the entire tree of water connections under Silchar A.U.W.S. & S. B. needs to be reassessed at the consumer level for the actual picture of active and dormant water connection. Also, the number of manpower engaged with the scheme may be reassessed for optimum efficiency and economy and thus this enquiry team concludes the exercise and rests its report to the authority.”

27. Though the petitioners appear to have been employed in a scheme under the AUWS&S Board and the said scheme has been handed over to the Urban Local Bodies, the scheme is pertaining to the water supply and sewerage. Such scheme, by no stretch of imagination can be held to be a temporary or seasonal scheme and on the contrary, is perennial in nature. A civil society cannot exist without water supply and sewerage. The discharge of duties by the petitioners earlier with the AUWS&S Board and after their transfer with the respective Urban Local Bodies is not disputed. In view of the above, non-payment of salaries to the petitioners for the services rendered by them cannot be held to be a reasonable or fair by any standards. An employee is not expected to render his service for *gratis*. Alongside the monthly salaries, there are ancillary issues



like CPF, Group Insurance etc. which are also required to be taken care of by the employer. In fact, so far as the petitioners handed over to the SMB are concerned, there is specific grievance of non-deduction of CPF and GSLI.

28. The learned counsel for the respondents have raised serious issues with regard to the lack of funds. The Finance Department and the Department of Housing Affairs have raised serious contention that the Municipalities have their own revenue generating schemes and in fact, the scheme in question, namely, water supply itself generates adequate revenue from the consumers and the petitioners are themselves responsible for collection of such revenue. On the plea raised by the SMB that there is a shortfall in the collection of revenue, the two Departments aforesaid have taken a stand that the issue is to be sorted out by the Municipal Boards and the Departments or the Government cannot be saddled with any burden. The Departments have also blamed the petitioners for the shortfall in revenue collection. As mentioned above, the learned counsel for the Departments have also relied upon the provisions of the Constitution of India as well as Assam Municipal Act.

29. Though the responsibility of payment of salaries of the persons rendering service in the Municipal Board is primarily of the Board, the shortfall in collection of revenue cannot withstand the claim and entitlement for monthly salaries of such persons. At the same time, this Court cannot be oblivious of the responsibilities of the Municipal Boards and the petitioners themselves in respect of collection of the optimum revenue in accordance with law pertaining to water supply. As observed above, it is the specific contention of the learned counsel for the respondents as well as the materials placed on record which would show that the revenue generated for water supply is much below the estimated amount. Therefore, if the petitioners are at fault by any omission or commission



on their part for low revenue generation, they would not be absolved from any steps / measures to be taken against them.

30. The present employer, namely, the Local Urban Bodies where the petitioners' services have been handed over are accordingly directed to immediately release the pending salaries to the petitioners working in various Municipal Boards and also to ensure payment of current salaries on time. For the said purpose, the Municipal Boards can take necessary financial assistance from the State Government as grants-in-aid in view of the Constitutional provision, as mentioned above and in the said aspect, the State Government is directed to consider and grant such financial aid in accordance with law. The State Government in the Housing and Urban Affairs Department as well as the Finance Department are also directed to play an active role for an overall and lasting resolution of the issue of payment of salaries. The said Departments may also cause enquiry into the aspect of shortfall in collection of revenue from the Water Supplies Scheme and depending on the outcome of the same, take necessary steps to redress the issue including taking penal action against any erring personnel including any of the petitioners, if found to be at fault. The findings of the Committee constituted vide order dated 11.10.2023 of this Court in these writ petitions, as forwarded vide communication dated 17.02.2024 to the District Commissioner, Cachar may also be taken into account.

31. The writ petitions accordingly stand disposed of.

32. No order as to cost.

JUDGE

Comparing Assistant