

VERSUS

THE STATE OF ASSAM AND 3 ORS.
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM, AGRICULTURE
DEPTT., DISPUR, GUWAHATI-06.

2:THE DIRECTOR OF AGRICULTURE

ASSAM
KHANAPARA
GUWAHATI-22.

3:THE DISTRICT AGRICULTURE OFFICER

DIBRUGARH
P.O.
P.S. AND DIST. DIBRUGARH
ASSAM-786001.

4:THE PRINCIPAL SECRETARY
TO THE GOVT. OF ASSAM
FINANCE DEPTT.
DISPUR
GUWAHATI-06

Advocate for the Petitioner : MR. I H SAIKIA

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

25.04.2024

Heard Shri IH Saikia, learned counsel for the petitioners.

2. The petitioners who are 43 in numbers are making a claim of payment of their wages in lieu of services rendered as Muster Roll Workers in the Agriculture Department. It is submitted that the petitioners were inducted in the services during the period 1993-96 and were getting their regular salaries. However in the year 2004 the Farms wherein the petitioners were working were leased out by the Government and thereafter the petitioners were engaged under different Block Agriculture Officers and District Agriculture Officers. The wages have however not been paid since 2004.

3. The petitioners had approached this Court earlier by filing writ petitions including WP(C)/4179/2014 wherein there were directions to examine the claims. It is submitted that though a finding was given that there were no authentic documents, there was also an admission that because of the flood, the documents could not be retrieved. Be that as it may, the claims were rejected vide an order dated 16.08.2018 which is the subject matter of challenge.

4. The petitioners have relied on two documents annexed at pages 142 and 143 of the writ petition and has submitted that there is an admission by the Director of Agriculture regarding their continuous service.

5. Ms. R. Bora, learned Standing Counsel, Agriculture Department has however submitted that the authenticity of the said documents have been doubted and the said stand has been categorically taken in the additional affidavit filed on 11.08.2023 by the respondent no. 2. By referring to the pleadings made in paragraphs 6 and 7, the learned Standing Counsel has also referred to two documents annexed as Annexure IV and V and has submitted that so called admission by the Director of Agriculture pertains to 7 nos. of other Muster Roll Workers and there has been a fabrication of the documents.

6. Shri Saikia, learned counsel for the petitioners however submits that such allegations are incorrect which is also substantiated by the statements made in the additional affidavit that further verification would be required.
7. To quell any doubts, the learned Standing Counsel, Agriculture Department is directed to obtain the concerned records from the Office of the Agriculture Officer pertaining to issuance of the letter Nos. DBR/Agri/MR/2017-18/48 dated 09.01.2018 as well as DBR/Agri/MR/2017-18/49 dated 09.01.2018. Clarifications / instructions is also directed to be taken towards issuance of letter No. Agri/Esstt./8105/2014-15/231 dated 28.12.2017 said to be issued by the Director of Agriculture, Assam.
8. As requested, list this case on 13.05.2024.
9. It is made clear that if the allegation of fabrication appears to be *prima facie* substantiated, this Court would pass appropriate directions including lodging of criminal proceeding.

JUDGE

Comparing Assistant