

**GOVERNMENT OF ASSAM  
PENSION & PUBLIC GRIEVANCES DEPARTMENT  
DISPUR:.....GUWAHATI::6**

NO.FEC(II)49/2010/118

Dated Dispur, the 16<sup>th</sup> June, 2012.

**OFFICE MEMORANDUM**

Sub:- Regularisation of services of Work-Charged, Muster Roll and similarly placed workers engaged prior to 01.04.1993 and in continuous service since engagement.

In pursuance of order of the Hon'ble Gauhati High Court dated 30.07.2010 in W.P.(C) No.24/2007 and affidavit was filed by the Chief Secretary to the Government of Assam in Misc. Case No. MC.597/2012 in W.P.(C) (Taken Up) No.24/2007 seeking leave of the Hon'ble Gauhati High Court to frame and implement the policy for regularizing the services of left out W.C. and M.R., and similarly placed workers who were engaged prior to 01.04.1993 and in continuous service in view of restriction on such regularization by the Hon'ble Supreme Court of India vide its orders dated 10.4.2006 reported in (2006) 4 SCC-I (State of Karnataka –Vs – Uma Devi and others) and Hon'ble Gauhati High Court vide orders dtd 17.5.2006 in W.P.(C) No.6222 of 2003 (Sri Jitendra Kalita –Vs- State of Assam and others) and 173 others connected cases.

The Division Bench of the Hon'ble Gauhati Court vide its order dated 27.3.2012 in Misc. Case.No.MC.597/2012 was pleased to dispose of the Misc. Case by stating that if the State cannot regularise casual workers as per law laid down by Hon'ble Supreme Court (in respect of case of State of Karnataka – Vs – Uma Devi and others) reported in (2006) 4SCC I, the Hon'ble High Court cannot give direction to adopt a policy which may be in violation of the judgement of the Hon'ble Supreme Court of India. Accordingly, the Hon'ble Gauhati High Court declined to grant the prayer of the State Government.

In view of order of the Division Bench of the Hon'ble Gauhati High Court dated 27.3.2012 in Misc. Case No.MC.597/2012 read with judgement of the Hon'ble Supreme Court of India dated 10.4.2006 reported in (2006) 4SCC-1 (State of Karnataka – Vs- Uma Devi and others) and in pursuance of the approval of the Cabinet dated 07.6.2012, the Government has decided that,

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- A. No more regularisation of services of Work-Charged, Muster Roll or similarly placed workers can be undertaken by the State Government even if such workers were engaged prior to 1.4.1993 and rendered continuous service without break.
- B. No more regularization can be undertaken by creating supernumerary post for one day in respect of those W.C. an M.R. workers who were engaged prior to 1.4.1993 but died or attained the age of superannuation after rendering continuous services uninterruptedly.
- C. All concerned departments/offices shall strictly adhere to Finance Department O.M. No.FC(III)24/92/358, dtd 5.11.1999 regarding stopping the engagement of W.C, M.R, Casual etc. workers.
- D. All administrative departments of the Government shall contest all court cases relating to regularization of services of Work Charged, Muster Roll, Casual etc. workers in view of order of the Division Bench of Hon'ble Supreme Court's orders dated 10.4.2006 reported in (2006) 4SCC-1 (State of Karnataka – Vs – Uma Devi and others).

All Government Departments/Offices will scrupulously follow the above decision of the Government and also ensure that all Autonomous Bodies/PSUs/Local Bodies under their control also follow the above decision of the Government.

Sd/- H.S.Das, IAS  
Principal Secretary to the Government of Assam,  
Finance Department.

Memo No.FEC(II)49/2010/118-A

Dated Dispur, the 16<sup>th</sup> June, 2012.

Copy forwarded to :-

1. P.S. to Chief Minister, Assam for favour of kind information of Chief Minister.
2. P.S. to all Cabinet Minister/State Ministers for favour of kind information of the Minister.
3. P.S. to all Parliamentary Secretaries for favour of kind information of the Parliamentary Secretary.
4. Chief Secretary to the Government of Assam, Dispur.
5. All Commissioners of Divisions.

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6. Advocate General, Assam/Additional Advocated General, Assam.
7. Registrar, Gauhati High Court, Guwahati.
8. Additional Chief Secretary/Principal Secretary/Commissioner & Secretary/Secretary to the Government of Assam Department.
9. Principal Secretary, Assam Legislative Assembly Secretariat/Commissioner & Secretary to the Governor of Assam Dispur, Guwahati-6.
10. Accountant General (A&E) , Assam, Maidamgaon, Beltola, Guwahati-29.
11. Secretaries of all District Councils/BTAD/Autonomous Councils.
12. APSC/ASEB/Assam Board of Revenue/AAT/
13. All Departments/Heads of Departments.
14. Assam Bhawan/Assam house, Delhi/Kolkata/Mumbai/Shillong.
15. All Deputy Commissioners/Sub Divisional Officers. They are requested to circulate copies of this OM amongst all offices of the State Government PSUs/Autonomous Bodies/Local Bodies within their districts/Sub-Divisions.
16. All Treasury Officers.

Commissioner & Secretary to the Govt. of Assam,  
Finance Department