

WP(C) 24/2010
BEFORE
HON'BLE MR JUSTICE I A ANSARI

Heard Mr. R. C. Saikia, learned counsel for the petitioner, and Ms. B. L. Sinha, learned Government Advocate, appearing on behalf of the respondents.

The petitioner, who has been working, since the year 1994, as a part-time worker, in the office of the Senior Quality Control Officer, Department of Industries and Commerce, Government of Assam, Guwahati, on a daily wage of Rs. 30/-, has sought for regularization of his service against the post of Grade-IV in the said establishment.

Considering the fact that the petitioner has not yet been selected in any validly held recruitment process, no direction for his appointment far less for regularization of his service, can be issued. However, taking into account the fact that the petitioner has been working in the said establishment since 1994, it is hereby directed that the respondents shall allow the petitioner to participate in the recruitment process, which may be held for making appointment to Grade-IV post in the said establishment if the petitioner is, otherwise, found eligible to participate in the said selection process. In this regard, the petitioner's case may be considered for relaxation of the upper age limit if the petitioner is found to be over aged for participating in the selection process provided that such relaxation is permitted in law. It is further directed that the respondent No. 2, namely, Director, Industries & Commerce, Government of Assam, Guwahati shall hold an enquiry into the petitioner's assertion that he has not been paid his wages since March, 2010. If the enquiry held, in this regard, reveals that the petitioner, in fact, worked during the period, as contended by the petitioner, he shall be paid his due wages. The whole exercise, so directed, shall be completed within a period of two months from the date of receipt of a copy of this order by the respondent No. 2, namely, Director, Industries & Commerce, Government of Assam, Guwahati.

The petitioner may furnish a certified copy of this order, along with a copy of this writ petition and annexure thereto, to the respondent No. 2. With the above observations and directions, this writ petition shall stand disposed of.