

GAHC010014052013



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

**Case No. : WP(C)/7411/2013**

RAMESH PRASAD and ANR.  
S/O- LT. JAGANNATH PRASAD, PUND ROAD, P.S. and DIST.- DHUBRI.

2: AWAL MOJID  
S/O- LT. SARABUDDIN SHEIKH  
VILL.- RANGAPANI PT- II  
P.S.- BILASHIPARA  
DIST.- DHUBRI  
ASSAM

VERSUS

THE STATE OF ASSAM AND 2 ORS  
TO BE REP. BY COMMISSIONER and SECY. TO THE GOVT. OF ASSAM, PWD  
DEPTT., DISPUR, GHY- 6.

2:CHIEF ENGINEER  
PWD ROADS  
ASSAM  
CHANDMARI  
GHY- 3.

3:EXECUTIVE ENGINEER  
PWD RURAL ROADS DIVISION  
P.O. and DIST.- DHUBRI

**Advocate for the Petitioner** : MR.N H MAZARBHUYAN, MS.L WAJEEDA,MR.K MIRA,MR.N ISLAM

**Advocate for the Respondent** : MS.B BHUYAN, „SC, PWD

**BEFORE  
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

**ORDER**

**19.03.2025**

Heard Mr. N. Islam, learned counsel for the petitioner. Also heard Mr. R. Dhar, learned Standing Counsel, PWD.

Mr. R. Dhar, learned Standing Counsel, PWD will obtain instructions as to the basic claim of the writ petitioner that notwithstanding his position in the seniority list of Grade IV staff of Peon/Chowkidar working under the Executive Engineer, PWD, Dhubri Rural Road Division, the claims of the petitioners were not considered and overlooking their claims, the juniors in the seniority list were promoted to the next higher post of Section Assistant/LDA.

The learned counsel for the petitioner further submits that the petitioner No.1 expired during the pendency of the writ petition and therefore the claim in the writ petition survives only in respect of petitioner No.2.

The affidavit filed by the respondent Department does not throw light on the aspect as to why the claim of the petitioner was overlooked and whether the person is junior in the seniority list was promoted to the next higher post.

Mr. R. Dhar, learned Standing Council, PWD in reference to the earlier order has placed before this Court the Assam Ministerial Staff District Establishment (Public Works Roads Department Office) Service Rules, 2021. Rule 5.(3) of the said Rules provides that 10% of the vacancies in the cadre of Junior Assistant may be filled up from Grade-IV posts subject to the qualifications mentioned in the said rules. These rules were modified on 19.06.2020.

The claims made by the writ petitioner No.2 regarding his promotion and consequential benefits are well prior to the said Rules as the writ petition has been filed in the year 2013.

Under such circumstances, this Court considers it appropriate to grant further time to the learned Standing Counsel Mr. R. Dhar to place before the Court the Rules which governed the procedure for promotion, if any, from the post of Muster Roll Worker of Grade-IV cadre to the next higher posts of LDA or Section Assistant or any other posts at the relevant point in time.

The learned Standing Counsel will also apprise the Court as to the grievance of the writ petitioner that his claims were overlooked, notwithstanding he was at higher place in the seniority list over the persons who have been promoted to the next higher post.

Let these instructions be placed before the Court on 21.04.2025 on which date an attempt will be made to dispose of the writ petition.

List on 21.04.2025.

**JUDGE**

**Comparing Assistant**