

GAHC010019792023



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

Case No. : WA/112/2023

THE STATE OF ASSAM AND 4 ORS.
REP. BY THE ADDITIONAL CHIEF SECRETARY TO THE GOVT. OF ASSAM,
HOME (B) DEPTT., DISPUR, GUWAHATI- 781006.

2: THE DIRECTOR GENERAL OF POLICE
ASSAM
ULUBARI
GUWAHATI- 7.

3: THE DIRECTOR GENERAL
OF CIVIL DEFENCE AND COMMANDANT GENERAL OF HOME GUARDS
ASSAM
BELTOLA
GUWAHATI- 781028.

4: THE SUPERINTENDENT OF POLICE
NALBARI
ASSAM.

5: DISTRICT HOME GUARDS COMMANDANT
NALBARI
ASSAM

VERSUS

PRADIP BARMAN E
S/O. SRI SURENDRA BARMAN, R/O. CHOHKUCHI, P.O. KHATIKUCHI, DIST.
NALBARI, ASSAM.

Advocate for the Appellants : Mr. H. Sharma, Addl. Senior Govt. Advocate

Advocate for the Respondent : Ms. Debasmita Ghosh, Advocate
Ms. Hemprabha Betala, Advocate

**BEFORE
HONOURABLE THE CHIEF JUSTICE
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

ORDER

16-05-2023

Learned counsel for the appellants has urged that the respondent has already been provided employment as a Home Guard for a period well in excess of seven years and thus, no further engagement is permissible as per the provisions contained in the Assam Home Guards Act and Rules, 1947. He further submits that the respondent was also paid ex-gratia amount of Rs.1,00,000/- (Rupees One Lakh) in the way back in the year 2001 owing to the injury suffered by him while performing duty as a Home Guard.

In view of the submissions advanced by learned counsel for the parties, we are of the opinion that the matter requires consideration, hence the appeal is admitted.

Admit.

Issue notice.

Respondent is duly served. Thus, notice need not be issued.

Heard on the prayer for interim relief.

Having regard to the submissions advanced by learned counsel for the parties and after going to the impugned order and the provisions of the Rules of 1947, we hereby direct that effect and operation of the impugned order dated 16.12.2022 shall remain stayed.

JUDGE

CHIEF JUSTICE

Comparing Assistant