

GAHC010032042026



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

Case No. : WP(C)/1057/2026

SMT INDRANI BORA LEKHAR
W/O BIMAL LEKHARU
RESIDENT OF HOUSE NO. 24, ADARSHAPUR, BYE LANE NO. 2,
KAHILIPARA PS DISPUR, GUWAHATI ASSAM 781019

VERSUS

THE STATE OF ASSAM
REPRESENTED BY COMMISSIONER SECRETARY TO THE GOVERNMENT
OF ASSAM, FINANCE TAXATION DEPARTMENT, DISPUR,
GUWAHATI 781006.

2: THE SECRETARY TO THE GOVT. OF ASSAM
FINANCE (TAXATION) DEPARTMENT
ASSAM
DISPUR GUWAHATI 781006

3: THE COMMISSIONER OF TAXES
ASSAM
KAR BHAWAN
DISPUR GUWAHATI 781006

4: THE DEPUTY SECRETARY
TO THE GOVT. OF ASSAM
FINANCE (TAXATION) DEPARTMENT
DISPUR GUWAHATI 78100

Advocate for the Petitioner : MR. I CHOWDHURY SR ADV, MR. R A PRAMANIK, MR. H NATH, MR T DAS, MR. A K BARUAH

Advocate for the Respondent : SC, FINANCE,

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

27.02.2026

Heard Mr. I Choudhury, learned Senior counsel assisted by Mr. A.K. Baruah, learned counsel for the petitioner. Also heard Mr. B Gogoi, learned Addl. Advocate General for the State.

The petitioner was employed under the Finance and Taxation Department and she superannuated on 29.02.2024. Pursuant to her superannuation, a show cause notice was issued on 30.08.2024. Being aggrieved, she filed a writ petition being W.P(C) No. 5422/2025. By order dated 17.09.2025, this Court passed the following order:

“Heard Mr. I. Chowdhury, learned Senior Counsel for the petitioner.

The petitioner before this Court aggrieved by the order dated 18.08.2025 as well as the order dated 30.08.2024. By the order dated 30.08.2025 showcause notice and charge sheet was issued to the petitioner and by order dated 18.08.2025 an Enquiry Officer has been appointed.

It is the submission of the learned Senior Counsel for the petitioner that the petitioner having superannuated as far back as on 29.02.2024, there is no occasion for the respondent authorities to proceed for departmental enquiry under the Assam Service (Discipline & Appeal) Rules, 1964.

In fact upon superannuation the master–servant relationship between the petitioner and his employers stood severed and the only option available to the petitioner is to take recourse to the appropriate provisions under the Assam Services Pension Rules, 1969 therefore, he submits that the entire proceeding is without jurisdiction and the same should be interfered with and set aside.

Mr. B. Chowdhury, learned Standing Counsel, Finance Department submits that he would like to complete his instructions in the matter.

Accordingly, at this stage let notices be issued returnable on 29.10.2025.

Since the respondents are duly represented by Mr. B. Chowdhury, learned Standing Counsel, Finance Department, notices are waived. However, extra copies be furnished within a period of one week from today.

The respondents shall complete their instructions and file necessary affidavits, if so advised.

*Till the next date fixed the proceedings initiated against the petitioner by the notice dated 30.08.2024 and all consequential actions thereon against the petitioner shall remain stayed.
List this matter on 29.10.2025."*

Pursuant thereto, the petitioner is before this Court upon receipt of the order dated 29.12.2025, whereby the earlier Presenting Officer who was appointed to present the case of allegations before the Enquiry Officer in support of the charges brought against the writ petitioner.

The petitioner apprehends that since the department has already modified the earlier order by appointing the presenting officer and that notwithstanding the interim order, the department is contemplating to proceed against the writ petitioner and in that context she has filed this present writ petition.

On 25.2.2026, the learned Addl. Advocate General appearing for the State was permitted to obtain instructions in the matter and the matter was fixed today.

Today when the matter is called up, the learned Addl. Advocate General on written instructions submits that the department had only replacing the enquiry officer and the presenting officer in view of the transfer of the earlier officers appointed. It is submitted that no hearing is presently being conducted in compliance of the orders of the Court. He therefore submits that since the department has furnished written instructions, in respect of the writ petitioner relating to the show cause notice issued on 30.08.2024 and no proceedings will be carried on by the department until the interim order subsists.

In that view of the submissions made by the learned Addl. Advocate General, Assam, the writ petition stands disposed of recording the stand reflected by the respondents that no departmental proceedings will be initiated

by the department till the interim order dated 17.09.2025 subsists.

JUDGE

Comparing Assistant