

GAHC010037282026



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

Case No. : WP(C)/1111/2026

ARAFAD ALOM BORA
SON OF MR SAHANUR ALOM
RESIDENT OF VILL- AZARA HATHKHOWAPARA, P.O.AND P.S. AZARA,
DIST. KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM AND 2 ORS.
REPRESENTED BY COMMISSIONER SECRETARY TO THE GOVERNMENT
OF ASSAM REVENUE DISASTER MANAGEMENT BLOCK-F, 1ST FLOOR
SECRETARIAT CIVIL DEPARTMENT, ASSAM DISPUR, GUWAHATI-781006.

2:THE DIRECTOR OF LAND RECORDS AND SURVEY ETC

ASSAM
RUPNAGAR
GUWAHATI-32
ASSAM

3:THE DISTRICT COMMISSIONER

BISWANATH
ASSA

Advocate for the Petitioner : MR. D SARAF, MS. M DEY,MS B SARMA,MR. R S MISHRA

Advocate for the Respondent : SC, REVENUE, GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

27.02.2026

Heard Mr. R S Mishra, learned counsel for the petitioner.

2. This writ petition is filed by the petitioner putting a challenge to the continuation of the Departmental Proceeding initiated against the writ petitioner and consequential extension of the period of suspension.

3. According to the petitioner he had earlier approached this Court by filing WP(C) No. 5778 of 2024 which came to be disposed of on 20.11.2025, and by the said judgment and order there was a specific direction to the Respondent to complete the DP within a period of 60 days from date of receipt of certified copy of the order and pass necessary orders. However, in spite of such specific directions the DP has not been completed and consequentially the petitioner is before the Court seeking a direction to the Respondents.

4. Perusal of the pleadings and more particularly the order passed by the coordinate bench dated 20.11.2025, passed in WP(C) No. 5778 of 2024 reveals that there is indeed a direction to the respondent to complete the Departmental Proceedings as expeditiously as possible not later than the period of 60 days from the date of receipt of certified copy of this order, and in the event no charge is established in the Departmental Proceeding the petitioner shall be

reinstated in service with immediate effect and the period of suspension shall be treated as on duty.

5. There is no direction by the Court that in the event the Departmental Proceeding is not completed as directed i.e. within a period of 60 days, the petitioner shall be reinstated in service. Since the learned Respondents have contended that the Departmental Proceedings have not been concluded and consequently the period of suspension is required to be extended to the writ petitioner.

6. Considering the submissions made and upon perusal of the materials available before the Court in the writ petition, it is seen that the primary grievance of the writ petitioner is the non-compliance of the directions of the coordinate bench vide order dated 20.11.2025, passed in WP(C) No. 5778 of 2024 that the Disciplinary Proceeding ought to have been completed within a period of 60 days. If that be the case, there is an appropriate remedy available to the writ petitioner which he may seek to take recourse to if so advised.

7. By Filing a writ petition, the petitioner is seeking a further direction in respect of completion of the Departmental Proceeding when such a direction had been already issued by the Court will not, in opinion of the Court the proper proceeding to be entertained in the writ jurisdiction.

8. Under such circumstances this court is not persuaded to issue notice to

proceed any further in the writ petition.

9. The learned counsel for the petitioner after submitting at some length before the Court seeks liberty to withdraw the writ petition.

10. In that view of the matter, the writ petition stands dismissed on withdrawal.

JUDGE

Comparing Assistant