

GAHC010052742026



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

Case No. : WP(C)/1507/2026

SMT. POLLY KOCH
D/O LATE PHANIDHAR KOCH, R/O JAPORIGOG, P.O.- DISPUR, P.S.- DISPUR,
DIST- KAMRUP (M), PIN-781005, ASSAM

VERSUS

THE STATE OF ASSAM AND 4 ORS.
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF ASSAM,
LABOUR WELFARE DEPARTMENT, DISPUR, GUWAHATI-781006, ASSAM

2:THE SECRETARY TO THE GOVERNMENT OF ASSAM
LABOUR WELFARE DEPARTMENT
DISPUR
GUWAHATI-781006
ASSAM

3:THE PRESIDING OFFICER (I/C)
INDUSTRIAL TRIBUNAL
DIBRUGARH
PIN-786001
DIBRUGARH
ASSAM

4:THE PRESIDING OFFICER
LABOUR COURT
GUWAHATI
PIN-781001
GUWAHATI
ASSAM

5:BIDYUT KUMAR DAS
REGISTRAR

INDUSTRIAL TRIBUNAL
DIBRUGARH
DIST- DIBRUGARH
ASSAM
PIN-78600

Advocate for the Petitioner : MR. M K CHOUDHURY, MR. R BORPATRA,MR. M SARMA

Advocate for the Respondent : GA, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

13.03.2026

Heard Mr. M.K. Choudhury, learned Senior Counsel assisted by Mr. M. Sarma, learned counsel for the petitioner. Also Heard Mr. J.K. Goswami, learned counsel for the State respondents.

2. The learned Senior Counsel for the petitioner submits that in a round of litigation filed by the petitioner being WP(C) No.3585/2025, which by order dated 02.12.2025 the writ petition was allowed and the transfer order was interfered with holding that it was not in the public interest. The same was assailed before the Appellate Court by the respondent being W.A. No.409/2025, where the Division Bench by order dated 18.12.2025 while considering the Writ Appeal permitted a fresh order of transfer to be passed accommodating both the appellant and the respondent No.1 and such order was directed to be passed notwithstanding the pendency of the writ appeal and the matter was thereafter, posted to be heard on merits.

3. As on date the writ appeal is presently pending and is directed to be listed

on 31.03.2026.

4. Pursuant to the liberty granted by the writ appellate Court the impugned transfer order dated 11.03.2026 has been passed and by the said order the writ petitioner was again transferred from Guwahati former posting as Registrar, Labour Court, Guwahati to the post as Registrar, Industrial Tribunal, Dibrugarh and the private respondent was transferred from the Registrar, Industrial Tribunal, Dibrugarh and posted as Registrar, Labour Court, Guwahati. This order is under challenge on the ground that where the Single Bench had already concluded that this order was passed on request could not termed to be an order passed on public interest, the department has proceeded to pass a similar order ignoring the judgment and order dated 02.12.2025 passed in WP(C) No.3585/2025.

5. Mr. J.K. Goswami, learned Addl. Senior Government Advocate submits that he would like to complete his instructions in the matter.

6. Considering the issues involved and after made submissions at some length, Mr. M.K. Choudhury, learned Senior Counsel for the petitioner submits that the matter be posted again after one week permitting him to complete his instructions as to the further course of action required to be taken in the matter.

7. Accordingly, list this matter again on 25.03.2026.

JUDGE

Comparing Assistant