

GAHC010055552026



undefined

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

Case No. : WP(C)/1646/2026

SHRI PUNYA KANTA DAS
SON OF LATE SINDURA DAS , RESIDENT OF VILLAGE BORHUJ GAON, P.O.
BALICHOPARI, P.S. PULIBAR, PIN- 785104, DISTRICT- JORHAT, ASSAM

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVT OF ASSAM,
HOME AND POLITICAL DEPARTMENT, DISPUR, GUWAHATI- 781006

2:THE DIRECTOR GENERAL OF POLICE
ASSAM
REHABARI
GUWAHATI- 781008

3:THE INSPECTOR GENERAL OF POLICE (EASTERN RANGE)
ASSAM
ASSAM
JORHAT
DISTRICT- JORHAT
ASSAM
PIN- 788001

4:THE SR. SUPERINTENDENT OF POLICE
JORHAT DISTRICT
JORHAT
ASSAM
PIN- 788001

5:THE SUPERINTENDENT OF POLICE
JORHAT DISTRICT

JORHAT
ASSAM
PIN- 78800

Advocate for the Petitioner : MR. S D PURKAYASTHA, J P BAISHYA, MR. JITU SAIKIA, MR. U CHOUDHURY

Advocate for the Respondent : GA, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

20.03.2026

Heard learned counsel for parties.

2. The petitioner is aggrieved by the impugned order dated 03.02.2026. By the said order, the petitioner filed a representation seeking reinstatement in service upon setting aside of the judgment passed by the trial court, convicting the writ petitioner by judgment and order dated 01.09.2025 passed in Criminal Appeal No. 63/2011 by the Hon'ble Gauhati High Court. By the said judgment, the conclusions arrived at by the trial court, convicting the writ petitioner to punishment under Section 304 (Part I) of the Indian Penal Code, 1860 was set aside, and the appellant namely the writ petitioner was set at liberty forthwith. It is submitted that pursuant to his conviction by judgment dated 11.03.2011 passed in Sessions Case No. 85(JJ) of 2007 corresponding to G.R. Case No. 285 of 2002, whereby the petitioner was convicted under Section 304 (Part I) of the Indian Penal Code, 1860 and sentenced to undergo rigorous imprisonment of 5 years, the petitioner was dismissed from service by the departmental authorities.

3. Accordingly, pursuant to the interference by the Gauhati High Court in

Judgment and order dated 01.09.2025 passed in Criminal Appeal No. 63/2011 of the Trial Court Order dated 11.03.2011 passed in Sessions Case No. 85(JJ) of 2007, the petitioner approached the authorities seeking reinstatement in service.

4. This application is rejected by impugned order dated 03.02.2026. Being aggrieved, the petitioner is before the Court.

5. From the recital of the impugned order, it is seen that there was a Departmental Proceeding initiated against the petitioner vide D.P. No. 11/2024 which concluded with its punishment of stoppage of three increments with cumulative effect. The said punishment was stated to have been suffered by the petitioner. According to the petitioner there is no separate Departmental Proceeding initiated for dismissal from his service pursuant to his conviction by the Trial Court.

6. Therefore, upon the Trial Court judgment being interfered with set aside by the Hon'ble Gauhati High Court in Criminal Appeal no 63/2011 by the judgment and order dated 01.09.2025, it was incumbent of the respondent authorities to reinstate the petitioner forthwith.

7. Considering the issues raised before the Court, the Court permit Ms. U. Sharma, learned State Counsel to complete her instructions in the matter.

8. Although notices are not issued, extra copies be furnished within a period of 3 working days.

9. Let this matter be listed again on 30.03.2026, by which date the learned counsel for the respondent will obtain their required instruction.

JUDGE

Comparing Assistant