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

Case No. : WP(C)/2373/2026

SOFIUL ALOM
S/O - LATE ABU BAKKAR SIDDIQUE,
R/O - H/NO. 85, MADHURJYA ENCLAVE, FLAT NO. 202 B, NEAR HATIGAON
POLICE STATION, P.S. - HATIGAON, GUWAHATI, DISTRICT - KAMRUP
METRO, ASSAM, PIN- 781038

VERSUS

THE STATE OF ASSAM AND OTHERS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVT. OF ASSAM,
DISPUR, GUWAHATI - 6.

2:THE ADDITIONAL CHIEF SECRETARY TO THE GOVT OF ASSAM
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT
DISPUR
GUWAHATI - 6.

3:THE PRINCIPAL SECRETARY TO THE GOVT OF ASSAM
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT
DISPUR
GUWAHATI - 6.

4:THE SECRETARY TO THE GOVT OF ASSAM
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT
DISPUR
GUWAHATI - 6.

5:THE COMMISSIONER
PANCHAYAT AND RURAL DEVELOPMENT
ASSAM
PANJABARI
JURIPAR

GUWAHATI - 37

Advocate for the Petitioner : K G CHOWDHURY, MR. S K TALUKDAR, L P BORAH, MS. M PAUL

Advocate for the Respondent : GA, ASSAM, SC, P AND R.D.

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

08.05.2026

Heard Mr. SK Talukdar, learned counsel for the petitioner.

The petitioner is aggrieved by imposing of penalty of withholding one annual increment by the Disciplinary Authority vide an order dated 25.07.2024 because of the delay in joining in his place of posting as per the transfer order dated 06.01.2023. It is further submitted that the enquiry conducted against the writ petitioner, the Enquiry Officer returned the finding that the delay in joining is not willful but because of his confused mental state during the period as the petitioner was undergoing some medical treatment. Learned counsel for the petitioner submits that the enquiry report on a plain reading reflects that the enquiry officer did not hold that the charges were proved. However, the Disciplinary Authority on the contrary by order dated 25.07.2024 decided to impose the penalty of withholding one annual increment without cumulative

effect without disclosing the reason why the findings arrived at by the Enquiry Officer were disagreed upon. The appeal preferred by the petitioner against the order dated 25.07.2024 was also rejected by the Appellate Authority by order dated 05.07.2025. Finding no alternative, the petitioner has approached this Court.

Considering the submissions made at this stage, let notice be issued, returnable by 4 (four) weeks.

Mr. AK Ghosh, learned counsel for the P&RD Department appears and accepts notice on behalf of the respondents no. 2, 3, 4 & 5 and Mr. JK Goswami, learned State Counsel, Assam appears and accepts notice on behalf of the respondent no.1. Since all the respondents are represented by their respective counsel, notices are waived. However, extra copies be furnished to them within 3 (three) working days from today.

List the matter on 10.06.2026.

JUDGE

Comparing Assistant