

GAHC010090352021



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

Case No. : WA/149/2021

KHANINDRA DEKA
S/O LATE HARI CHANDRA DEKA, R/O SANTIPUR, MANGALDOI, DIST-
DARRANG, ASSAM, PIN-784125

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, WATER RESOURCES DEPARTMENT, DISPUR,
GUWAHATI-781006

2:THE SECRETARY TO THE GOVERNMENT OF ASSAM
WATER RESOURCES DEPARTMENT
DISPUR
GUWAHATI-781006

3:THE CHIEF ENGINEER
WATER RESOURCES DEPARTMENT
GOVERNMENT OF ASSAM
CHANDMARI
GUWAHATI-781003

4:THE EXECUTIVE ENGINEER
GUWAHATI MANGALDAI WATER RESOURCE DIVISION
MANGALDA

Advocate for the Petitioner : MR. K N CHOUDHURY

Advocate for the Respondent : SC, WATER RESOURCE

– B E F O R E –

**HON'BLE THE CHIEF JUSTICE MR. SUDHANSHU DHULIA
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK**

15-06-2021

(Sudhanshu Dhulia, CJ)

The matter is taken up through video conferencing.

Heard Mr. KN Choudhury, learned senior counsel for the appellant and Mr. B Goswami, learned Standing Counsel, Water Resources Department for the respondents.

This writ appeal has been filed against the judgment and order dated 18.05.2021 passed by the learned Single Judge in WP(C) 8602/2019.

The petitioner before the learned Single Judge challenged the impugned show-cause notice dated 22.10.2019 by which explanation was called for as to why he should not be reverted back from the post of Section Assistant to that of *Khalasi*. All the same, the writ petition (WP(C) 8602/2019) filed by the petitioner did not find favour with the learned Single judge and it was dismissed. Subsequently the petitioner is before this Court in the present writ appeal.

In a similar matter, i.e. WA 148/2021, while hearing the said appeal, we made a limited intervention in the matter by directing that the petitioners/appellants would continue to get the salary of Section Assistant with certain other directions, until further orders. Since this matter is absolutely similar to the matter in WA 148/2021, learned senior counsel Mr. KN Choudhury prays that the said interim order be also granted in favour of the present writ

appellant.

Mr. D Saikia, learned Advocate General, who is for the State and had appeared in the earlier matter as well, admits the position that this matter is absolutely similar to the one in which interim order dated 11.06.2021 was passed.

In view of the above submission, we pass the same order as it was passed in WA 148/2021 on 11.06.2021 and order as follows:

Purely on considerations of the fact that the petitioner had been working as Section Assistant since 2010, even though by way of a temporary promotion, and more importantly he had been getting salary on the post of Section Assistant, we make a limited intervention at this stage. The petitioner shall continue to be given salary of Section Assistant until further orders of this Court. However, he would presently have no lien on the posts of Section Assistant. The Department concerned shall be at liberty to take the work from the petitioner, as the contingency demands the work of a Section Assistant or that of a Khalasi. The petitioner will duly abide by the same, till the matter is heard on its merit.

List on **August 4, 2021** along with WA 148/2021.

JUDGE

CHIEF JUSTICE

Comparing Assistant