

GAHC010090482021



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

Case No. : WA/151/2021

JATISH CHANDRA BORA AND 2 ORS.
S/O LATE BHUGDHAN BORA, R/O HATIPARA, DIST. NAGAON, PIN-782003

2: AFTABUL HAQUE
S/O LATE ABU KAYES
R/O PURANIGUDAM
DIST. NAGAON
PIN-782141

3: ATAUR RAHMAN
S/O JIYAU HAQUE
R/O FAUZDARI PATTY
DIST. NAGAON
PIN-78200

VERSUS

THE STATE OF ASSAM AND 3 ORS.
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,
WATER RESOURCES DEPARTMENT, DISPUR, GUWAHATI-781006

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

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

4: THE EXECUTIVE ENGINEER
GUWAHATI WEST WATER RESOURCE DIVISION
BHARALUMUKH

GUWAHATI-78100

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 appellants. Also heard Mr. B Goswami, learned Standing Counsel, Water Resources Department appearing 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) 8688/2019.

The petitioners before the learned Single Judge challenged the impugned show-cause notice dated 31.10.2019 by which explanation was called for as to why they should not be reverted back from the post of Section Assistant to that of *Khalasi*. All the same, the writ petition [WP(C) 8688/2019] filed by the petitioners did not find favour with the learned Single judge and it was dismissed. Subsequently the petitioners are 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 petitioners had been working as Section Assistant since 2010, even though by way of a temporary promotion, and more importantly they had been getting salary on the post of Section Assistant, we make a limited intervention at this stage. The petitioners shall continue to be given salary of Section Assistant until further orders of this Court. However, they would presently have no lien on the posts of Section Assistant. The Department concerned shall be at liberty to take the work from the petitioners, as the contingency demands the work of a Section Assistant or that of a Khalasi. The petitioners 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