

GAHC010122532024



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

Case No. : I.A.(Civil)/1889/2024

DHIRESWAR KACHARI
S/O LATE LOHIT CH. KACHARI, VILL- SAJJANPARA, P.O.-BONGARA, DIST-
KAMRUP (M), AZARA-781015 AND HAVING MY OFFICE ADDRESS AT
DISTRICT INDUSTRIES AND COMMERCE CENTRE, UDALGURI, BTR,
ASSAM

VERSUS

BHARGAV SARMA AND ORS
HAVING OFFICE AT DISTRICT INDUSTRIES AND COMMERCE CENTRE,
AMINGAON KAMRUP ASAM 781031

2:THE STATE OF ASSAM
THROUGH THE SECRETARY
INDUSTRIES AND COMMERCE DEPARTMENT
GOVERNMENT OF ASSAM
HAVING OFFICE AT ASSAM SECRETARIAT
DISPUR
P.O.-ASSAM SACHIVALAYA
GUWAHATI-781006

3:COMMISSIONER OF INDUSTRIES AND COMMERCE
ASSAM
HAVING OFFICE AT UDYOG BHAWAN
BAMUNIMAIDAN
GUWAHATI-781021

4:ADDITIONAL DIRECTOR (FP)
ASSAM
HAVING OFFICE AT OF INDUSTRIES AND COMMERCE
ASSAM
UDYOG BHAWAN

BAMUNIMAIDAM
GUWAHATI-781021

5:THE ADDITIONAL SECRETARY
INDUSTRIES AND PUBLIC ENTERPRISE
GOVERNMENT OF ASSAM
HAVING OFFICE AT UDYOG BHAWAN
BAMUNIMAIDAM
GUWAHATI-781021

6:THE JOINT SECRETARY
INDUSTRIES
COMMERCE AND PUBLIC ENTERPRISE
GOVERNMENT OF ASSAM
HAVING OFFICE AT UDYOG BHAWAN
BAMUNIMAIDAN
GUWAHATI-78102

Advocate for the Petitioner : MR K TALUKDAR

Advocate for the Respondent : SC, INDUSTRIES AND COMMERCE

Linked Case : I.A.(Civil)/1890/2024

DHIRESWAR KACHARI
S/O LATE LOHIT CH. KACHARI
VILL- SAJJANPARA
P.O.-BONGARA
DIST- KAMRUP (M)
AZARA-781015 AND HAVING MY OFFICE ADDRESS AT DISTRICT
INDUSTRIES AND COMMERCE CENTRE
UDALGURI
BTR
ASSAM

VERSUS

THE STATE OF ASSAM AND 4 ORS.
THROUGH THE SECRETARY
INDUSTRIES AND COMMERCE DEPARTMENT
GOVERNMENT OF ASSAM
HAVING OFFICE AT ASSAM SECRETARIAT

DISPUR
P.O.-ASSAM SACHIVALAYA
GUWAHATI-781006

2:COMMISSIONER OF INDUSTRIES AND COMMERCE
ASSAM

HAVING OFFICE AT UDYOG BHAWAN
BAMUNIMAIDAN
GUWAHATI-781021

3:ADDITIONAL DIRECTOR (FP)
ASSAM

HAVING OFFICE AT OF INDUSTRIES AND COMMERCE
ASSAM

UDYOG BHAWAN
BAMUNIMAIDAM
GUWAHATI-781021

4:THE ADDITIONAL SECRETARY
INDUSTRIES AND PUBLIC ENTERPRISE
GOVERNMENT OF ASSAM

HAVING OFFICE AT UDYOG BHAWAN
BAMUNIMAIDAM
GUWAHATI-781021

5:THE JOINT SECRETARY
INDUSTRIES
COMMERCE AND PUBLIC ENTERPRISE
GOVERNMENT OF ASSAM

HAVING OFFICE AT UDYOG BHAWAN
BAMUNIMAIDAN
GUWAHATI-781021

Advocate for : MR K TALUKDAR

Advocate for : SC

INDUSTRIES AND COMMERCE appearing for THE STATE OF ASSAM AND 4
ORS.

Linked Case : WP(C)/5240/2023

DHIRESWAR KACHARI
S/O LATE LOHIT CH. KACHARI
VILL- SAJJANPARA
P.O.-BONGARA
DIST- KAMRUP (M)
AZARA-781015 AND HAVING MY OFFICE ADDRESS AT DISTRICT
INDUSTRIES AND COMMERCE CENTRE
UDALGURI
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ASSAM

VERSUS

THE STATE OF ASSAM AND 4 ORS.
THROUGH THE SECRETARY
INDUSTRIES AND COMMERCE DEPARTMENT
GOVERNMENT OF ASSAM
HAVING OFFICE AT ASSAM SECRETARIAT
DISPUR
P.O.-ASSAM SACHIVALAYA
GUWAHATI-781006

2:COMMISSIONER OF INDUSTRIES AND COMMERCE
ASSAM
HAVING OFFICE AT UDYOG BHAWAN
BAMUNIMAIDAN
GUWAHATI-781021

3:ADDITIONAL DIRECTOR (FP)
ASSAM
HAVING OFFICE AT OF INDUSTRIES AND COMMERCE
ASSAM
UDYOG BHAWAN
BAMUNIMAIDAM
GUWAHATI-781021

4:THE ADDITIONAL SECRETARY
INDUSTRIES AND PUBLIC ENTERPRISE
GOVERNMENT OF ASSAM
HAVING OFFICE AT UDYOG BHAWAN
BAMUNIMAIDAM
GUWAHATI-781021

5:THE JOINT SECRETARY
INDUSTRIES
COMMERCE AND PUBLIC ENTERPRISE
GOVERNMENT OF ASSAM
HAVING OFFICE AT UDYOG BHAWAN
BAMUNIMAIDAN
GUWAHATI-781021

Advocate for : MR K TALUKDAR

Advocate for : SC

INDUSTRIES AND COMMERCE appearing for THE STATE OF ASSAM AND 4
ORS.

BEFORE

HON'BLE MR. JUSTICE N.UNNI KRISHNAN NAIR

27.06.2024

Heard Mr. D.Das, learned Senior Counsel assisted by Mr. K.Talukdar, learned counsel for the applicant/petitioner. Also heard Mr. A. Kalita, learned Standing Counsel, Industries, Commerce and Public Enterprise Department for the opposite parties/ respondents.

The present interlocutory application has been so instituted by the applicant/ petitioner praying for interim directions restraining the opposite parties/ respondents from filling up the post of Additional Director w.e.f. from 01.07.2024 by allowing Sri Bhargav Sarma, to function against the said post.

It is seen that the Departmental Selection Committee on 02.03.2024 had recommended the name of Sri Bhargav Sarma for promotion to the post of Additional Director and he was required to be promoted against the said post w.e.f. 01.07.2024.

In view of the nature of the dispute arising in the connected writ petition i.e. WP (C) No. 5240/2023, it is provided that Sri Bhargav Sarma in the interim shall be permitted only to hold the charge of Additional Director on In-Charge basis and he shall not be so promoted to the said post.

The said interim direction shall be further be considered upon Sri Bhargav Sarma appearing in the present matter.

The petitioner shall also serve a copy of the interlocutory application on Sri Bhargav Sarma by way of Dasti service routed through the Registry of this Court.

Registry to list this interlocutory application alongwith the writ petition

being WP(C) No. 5240/2023.

JUDGE

Comparing Assistant