

GAHC010124472017



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

Case No. : Cont.Cas(C)/151/2017

DULAL AHMED MAZUMDAR and 7 ORS.
S/O. LT. MOHIBUR RAHMAN MAZUMDAR, VILL. BERENGA, P.O.
BERENGA, P.S. SILCHAR SADAR, DIST. CACHAR, ASSAM, PIN-788115.

VERSUS

KUJENDRA DOLEY and 9 ORS.
THE SECRETARY TO THE GOVT. OF ASSAM, IRRIGATION DEPTT., DISPUR,
GHY.-06.

2:Sri Luhitesh Chandra Patak
The Chief Engineer
Irrigation Deptt.
Chandmari
Guwahati-3.

3:Akbar Hussain Choudhury
The Superintending Engineer
Cachar Circle (Irrigation)
Silchar cum present Chairman of Selection Committee
Cachar Circle (Irrigation)
Silchar-06.

4:Nakul Chandra Biswas
the Superintending Engineer
Cachar Circle (Irrigation)
Silchar cum former Chairman
Selection Committee
Cachar Circle (Irrigation)
Silchar-06.

5:Ramandra Narayan Barmon

The Executive Engineer
Silchar Mechanical Division (Irrigation)
Kanakpur
Silchar-06.

6:Mr. Hemanta Narzary
IAS
The present Principal Secretary
Irrigation Department
Govt. of Assam
Dispur.

7:Mr. Mohendra Mohan Boro
The present Chief Engineer
Irrigation Department
Government of Assam
Chandmari
Guwahati-3

8:K. M. Gopal Sena Rajkumar
The present Superintending Engineer
Irrigation Department
Cachar Division
Silcahr-06.

9:Mr. Surdas Battacharjee
The present Executive Engineer
Silchar Mechanical Division (Irrigation)
Kanakpur
Silchar-06.

10:Sri Brojen Malakar
Chief Engineer
Irrigation Department
Chandmari
Guwahati-781003

Advocate for the Petitioner : MR.S AHMED

Advocate for the Respondent : MR.M HUSSAINR

**BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY**

ORDER

Date : 09.02.2024

Heard Mr. S Ahmed learned counsel for the petitioners.

The present contempt petition is filed alleging willful and deliberate violation of this court's order dated 17.08.2016 passed in WP(C) No.4253/2016. The operative portion of the order is quoted herein below:

“I have heard the learned counsels for the parties. At the very outset it is placed on record that the steps taken by the Chief Engineer, Irrigation do not inspire the confidence of this court. A valid selection exercise was undertaken and the selection committee so constituted had duly recommended the names of the petitioners for promotion to the post of Junior Assistant (grade-III). If the Chief Engineer, Irrigation is to interfere with the recommendation so made it could be for any anomaly detected but certainly not for the reasons that the selection was not in tandem with the inter-se seniority list of the Grade-IV employees. Having held so, it would now be incumbent upon the Chief Engineer to take note of the recommendation made by the Selection Committee on 05.01.2015 and to take steps accordingly for making promotion of the recommended candidates for the post of Junior Assistant (Grade-III). Let the required exercise be completed within a period of 4 (four) weeks from today.”

This contempt petition is pending since the year 2017. In the meantime the officers who were responsible for implementation of such order had retired.

The learned counsel for the petitioner has also submitted that

he could not take steps for impleadment of new incumbent as he is having no contact with his client.

In that view of the matter this court requests Mr. N Upadhyay learned standing counsel, Irrigation Department to obtain instructions whether the aforesaid order has been complied in the meantime and if not, reasons thereof.

Mr. Upadhyay learned standing counsel Irrigation Department has readily accepted such request of this court and submits that he may be granted a week's time to obtain such instructions.

Prayer is allowed.

The learned counsel for the petitioner shall furnish a copy of the contempt petition to Mr. Upadhyay learned standing counsel, Irrigation Department.

Registry to list this matter on 23.02.2024 reflecting the name of Mr. N Upadhyay learned standing counsel, Irrigation Department in the cause list.

Mr. Upadhyay may download a copy of this order from the website and forward to appropriate authority.

JUDGE

Comparing Assistant