

GAHC010127122024



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

Case No. : WP(C)/3278/2024

SANJAY KUMAR DAS
S/O- LATE SIBA NATH DAS,
R/O- CHANDANPUR, WARD NO. 8,
BARPETA ROAD TOWN,
P.O.- BARPETA ROAD, P.S.- BARPETA ROAD,
DISTRICT- BARPETA, ASSAM.

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE PRINCIPAL 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
BASISTHA GUWAHATI
-781029

DISTRICT- KAMRUP(M)
ASSAM.

4:THE SUPERINTENDING ENGINEER
LOWER ASSAM CIRCLE
WATER RESOURCES DEPARTMENT
CHANDMARI

GUWAHATI- 781003

DISTRICT- KAMRUP(M)
ASSAM.

5:THE EXECUTIVE ENGINEER
BONGAIGAON WATER RESOURCES DIVISION
WATER RESOURCES DEPARTMENT

BORPARA
BONGAIGAON
ASSAM

PIN- 783380

Advocate for the Petitioner : MR. J I BORBHUIYA, MRS. K H CHOUDHURY,MR A HOSSAIN,MR. L MOHAN

Advocate for the Respondent : SC, WATER RESOURCE,

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

31.07.2024.

Heard Shri JI Borbhuiya, learned counsel for the petitioner.

The petitioner was imposed with a penalty of reduction in rank from the post of Head Assistant to Senior Assistant after a disciplinary proceeding which itself is the subject matter of challenge in another writ petition filed by the petitioner, being WP(C)/3583/2024. The said petition was admitted by this Court on 22.07.2024 and the learned Standing Counsel, Shri RM Das was directed to produce the records and the matter has been fixed on 19.08.2024.

The present writ petition has been filed challenging a communication dated 06.06.2024 by which, the petitioner has been directed to join in a lower post of Senior Assistant. It is submitted by Shri Borbhuiya, learned counsel that such joining would cause prejudice to the petitioner as the punishment order itself is the subject matter

of challenge in the pending writ petition.

Let notice be issued, returnable on 19.08.2024.

Shri RM Das, learned Standing Counsel, Water Resources Department, Assam accepts notice on behalf of all the respondents.

Le extra copy of the writ petition along with its annexures be served upon the learned Standing Counsel by tomorrow.

Shri Borbhuiya, learned counsel for the petitioner prays for an interim order.

This Court is, however, of the opinion that no interim order is called for. However, it is observed that joining in the post of Senior Assistant by the petitioner pursuant to the impugned communication dated 06.06.2024 would not cause any prejudice to the rights and interests of the petitioner espoused in the earlier writ petition.

List this case along with WP(C)/3583/2024.

JUDGE

Comparing Assistant