

GAHC010132142023



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

Case No. : WP(C)/3565/2023

SHANTANU DHAR
S/O- LATE SHAHNTI RANJAN DHAR, R/O- HOUSE NO. 19, HARBALA ROAD,
ULUBARI, GUWAHATI-781007, DIST. KAMRUP(M), ASSAM

VERSUS

THE STATE OF ASSAM AND 7 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT OF
ASSAM, DISPUR, GUWAHATI-6.

2:THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF ASSAM
FINANCE (TAXATION) DEPARTMENT
DISPUR
GUWAHATI-06.

3:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
FINANCE (TAXATION) DEPARTMENT
DISPUR
GUWAHATI-06.

4:THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM
PERSONNEL (B) DEPARTMENT
DISPUR
GUWAHATI-06.

5:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
LEGISLATIVE DEPARTMENT
DISPUR
GUWAHATI-06.

6:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
WELFARE OF PLAIN TRIBES AND BACKWARD CLASSES DEPARTMENT

DISPUR
GHY-06.

7:KAMALESWAR LAHARY
DEPUTY COMMISSIONER OF TAXES
O/O- THE COMMISSIONER OF TAXES
ASSAM
KAR BHAVAN
DISPUR
GHY-06.

8:THE DEPARTMENTAL SELECCTION COMMITTEE
FOR PROMOTION TO THE CADRE OF JOINT COMMISSIONER OF TAXES
REPRESENTED BY THE CHIEF SECRETARY
ASSA

Advocate for the Petitioner : MR G BAISHYA

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM

ORDER

Date : 27-06-2023

Heard Mr. G. Baishya, learned counsel for the writ petitioner. Also heard Mr. B. Choudhury, learned standing counsel, Finance & Taxation Department, Assam who submits that instructions, as called for, in terms of the order dated 21-06-2023 is still awaited and therefore, 03 weeks further time be granted to the department to obtain instruction and file affidavit.

Mr. D.K. Das, learned counsel appearing on behalf of respondent No. 7, on the other hand, submits that the writ petition is filed on an erroneous projection of facts. According to Mr. Das, there is already an interim order operating in the connected W.P.(C) No. 4319/2021, which is pending disposal before this Court and therefore, question of

issuing any order of promotion without the leave of the Court does not arise. The learned counsel for the respondent No. 7 has also prayed for some time to file counter affidavit.

Responding to the above, Mr. Baishya submits that the department is yet to furnish him with the copy of the minutes of the DPC proceeding. Be that as it may, since the department has already prayed for time to file a detailed counter affidavit, this aspect of the matter will be dealt at an appropriate time.

Issue notice of motion returnable on 19-07-2023.

Mr. J.K. Goswami, learned Govt. Advocate, Assam has accepted notice on behalf of respondent Nos. 1, 4, 5 and 8, Mr. B. Choudhury has accepted notice on behalf of respondent Nos. 2 and 3 and Mr. R. Dhar, learned standing counsel, WPT&BC Department, Assam has accepted notice on behalf of respondent No. 6. As such, service of notice upon respondent Nos. 1 to 6 and 8 is deemed to be complete.

Mr. D.K. Das, learned counsel submits that he has instruction to appear on behalf of the respondent No. 7 and the vakalatnama will be filed within a week from today. In view of the above, service of notice is deemed to be complete in this case.

Extra copies of the writ petition, requisite in numbers, be furnished to the learned departmental counsel.

Having regard to the facts and circumstances of the case, it is hereby provided that the promotion of respondent No. 7 shall not be notified till the returnable date.

JUDGE

GS

Comparing Assistant