

GAHC010133882024



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

Case No. : WA/253/2024

SOFIUL ALOM
S/O LT. ABU BAKKAR SIDDIQUE, R/O HOUSE NO. 85 MADHURJYA
ENCLAVE FLAT NO. 202(B) NEAR HATIGAON POLICE STATEION, P.S.
HATIGAON, GUWAHATI-781038 DIST. KAMRUP (M) ASSAM

VERSUS

THE STATE OF ASSAM AND 4 ORS
REP. BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM,
PANCHAYAT AND RURAL DEVELOPMENT DEPTT. DISPUR, GUWAHATI-
781006

2:PRINCIPAL SECRETARY
TO THE GOVT. OF ASSAM
PERSONNEL (B) DEPTT. DISPUR
GUWAHATI-781006

3:PRINCIPAL SECRETARY
TO THE GOVT. OF ASSAM
FINANCE DEPTT. DISPUR
GUWAHATI-781006

4:ACCOUNTANT GENERAL (A AND E)
ASSAM
MAIDAMGAON BELTOLA GUWAHATI-781029

5:COMMISSIONER
PANCHAYAT AND RURAL DEVELOPMENT DEPTT. JURIPAR PANJABARI
GUWAHATI-78103

Advocate for the Petitioner : MR. R M DEKA, MR. K N CHOUDHURY,MS N MAHANTA

Advocate for the Respondent : GA, ASSAM, SC, FINANCE,SC, AG (A AND E),SC, P AND R.D.

**BEFORE
HONOURABLE THE CHIEF JUSTICE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

07.08.2024

(Vijay Bishnoi, CJ)

The learned counsel for the appellant has argued that as per the Cabinet decision dated 27.07.2016 the appellant is liable to be absorbed in the services of the Panchayat and Rural Development Department with effect from 13.03.1999 when first he was sent on deputation. It is submitted that the learned Single Judge has erred in observing that the appellant is only entitled to absorption in service in the Panchayat and Rural Development Department from the date when the Cabinet took the decision and the respective department has passed the order.

Per contra, learned counsel appearing for the Panchayat and Rural Development Department has submitted that as a matter of fact the deputation of the petitioner/appellant with the Panchayat and Rural Development Department was cancelled way back in the year 2005 and the writ petition filed against the same has been disposed by the learned Single Judge of this Court by granting liberty to the appellant to file appropriate representation for his permanent absorption in the Panchayat and Rural Development Department without interfering with cancellation order. The learned counsel has submitted that in the said order passed by the learned Single Judge it is clearly observed that the appellant has no vested right for absorption in the borrowing department.

Having heard the learned counsel for the parties, we are of the view that the matter requires consideration.

Hence, **Admit.**

Issue notice.

Since the respondents are already represented through the respective departmental counsel, service of notice is therefore, deemed to be complete.

List the matter for hearing in usual course.

JUDGE

CHIEF JUSTICE

Comparing Assistant