

GAHC010133882024



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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

For the appellant(s) : Mr. K. N. Choudhury, Sr. Advocate
Mr. R.M. Deka, Advocate

For the Respondent(s) : Mr. Kumud Konwar, Addl. AG, Assam
Ms. R.B. Bora, Jr. GA, Assam

– **BEFORE** –
HON'BLE THE CHIEF JUSTICE MR. ASHUTOSH KUMAR
HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY

20.11.2025

(Ashutosh Kumar, CJ)

We have heard Mr. K. N. Choudhury, learned senior Advocate for the appellant and Mr. Kumud Konwar, learned Additional Advocate General, Assam, for the respondents.

This appeal is directed against the judgment dated 04.06.2024 passed by a learned Single Judge of this Court, who affirmed the decision of the respondents regarding the absorption of the appellant in the department of Panchayat and Rural Development (P&RD) from the date when his services were said to have been absorbed on the post of Deputy Director (Training) under the P&RD, which was in the year 2016.

It has been urged on behalf of the appellant that this (his absorption from the year 2016) could be read as his past services being wiped out.

The appellant initially joined the Irrigation Department in the year 1994 as an Agriculture Extension Officer, but in the year 1999 he was deputed to Panchayat and Rural Development Department. Later, the appellant was sought to be repatriated to his parent department; but on his challenge, such repatriation was stayed for a while. However, ultimately, the repatriation order was sustained, giving liberty to the

appellant to approach the authorities and seek his absorption in the Panchayat and Rural Development Department.

The appellant complied; made a representation; on which a decision was taken by the Cabinet on 27.07.2016 approving his absorption in the P&RD Department as Deputy Director (Training). However, for the reason that no post was vacant for the appellant to be accommodated, the order of his absorption was passed on 12.09.2016 when the appellant was posted in DRDA and the post had fallen vacant.

The contention of the appellant is that treating his absorption from the year 2016 would be prejudicial to him, but in case it is found that this absorption was only an inter-departmental transfer without impinging on his pensionary benefits later, the date would not be relevant.

Mr. Konwar shall take instructions in the matter and get back to this Court for further consideration.

Re-notify on 05.02.2026.

JUDGE

CHIEF JUSTICE

Comparing Assistant