

GAHC010146192024



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

Case No. : WP(C)/3698/2024

SAJAHAN SARKAR
S/O- LATE GOLAM SARWAR SARKAR, R/O- HOUSE NO.3, BYE LANE NO.-2,
KAILASH NAGAR, BHETAPARA ROAD, HATIGAON, GUWAHATI- 781038

VERSUS

THE STATE OF ASSAM AND 2 ORS
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY, GOVERNMENT OF
ASSAM, HOME AND POLITICAL DEPARTMENT, JANATA BHAWAN, DISPUR,
GUWAHATI-6

2:THE SECRETARY TO GOVERNMENT OF ASSAM
HOME (A) DEPARTMENT
JANATA BHAWAN
DISPUR
GUWAHATI-6

3:THE JOINT SECRETARY TO GOVERNMENT OF ASSAM
HOME AND POLITICAL DEPARTMENT
JANATA BHAWAN
DISPUR
GUWAHATI-

Advocate for the Petitioner : MR. K N CHOUDHURY

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI**

ORDER

26.07.2024

Heard Shri K.N. Choudhury, learned Senior Counsel assisted by Shri J. Patowary, learned counsel for the petitioner.

The issue which has been raised is whether a departmental proceeding can be conducted at the same time when a criminal case is going on the same set of charges.

The issue has been substantially settled by the Hon'ble Supreme Court in a catena of decisions which have been taken into consideration in the case of ***M/S Stanzen Toyotetsu India P.Ltd vs. Girish V & Ors.*** reported in ***(2014) 3 SCC 636.***

Shri T.C. Chutia, the learned Addl. Senior Government Advocate, Assam has however submitted that he may be allowed some time to obtain the instructions of the stage of the enquiry.

Let such instructions be taken and the matter be listed for motion on Wednesday, i.e., 31.07.2024.

Shri Patowary, the learned counsel assisting the learned Senior Counsel for the petitioner shall furnish extra copies of the writ petition to Shri Chutia, the learned Addl. Senior Government Advocate within today, i.e., 26.07.2024 to enable obtaining of instructions.

JUDGE

Comparing Assistant