

GAHC010148132022



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

Case No. : WA/295/2022

THE ASSAM FISHERIES DEVELOPMENT CORPORATION LTD.
VIP ROAD, CHACHAL, GUWAHATI-781036, DIST. KAMRUP (M), ASSAM,
REP. BY ITS CHAIRMAN.

2: THE MANAGING DIRECTOR
AFDC
VIP ROAD
CHACHAL
GUWAHATI-781036
DIST. KAMRUP (M)
ASSA

VERSUS

SPANDAN DAS AND 30 ORS.
S/O. SURYA DAS, L-5, PRAGJYOTISH HOUSING COMPLEX, GHORAMARA,
KHANKAH ROAD, P.O. BELTOLA, P.S. HATIGAON, GUWAHATI-781028.

2:PRIYANKA BHARALI
D/O. SHRI HRISHIKESH BHARALI
R/O. SHRISTI RESIDENCY
LANKESHWAR
WEST JALUKBARI
PIN-781014
DIST. KAMRUP (M)
GUWAHATI-04.

3:NILAKSHI DAS
W/O. PRANJAL BEZBARUAH
R/O. JAPORIGOG NEAR KARBI NAMGHAR
PANCHARATNA PATH
H.NO.-17
GUWAHATI-781005
P.O. DISPUR

P.S. DISPUR

4:DHRUBAJYOTI DEKA

S/O. SHRI AMBURAM DEKA
VILL. KATHALGURI
P.O. KATHIATALI
P.S. KAMPUR
DIST. NAGAON
ASSAM
PIN-782427.

5:BIRENDRA KUMAR DAS
S/O. SRI DILIP KUMAR DAS
R/O. MOTI RAM BORA ROAD
FOUJDARIPATTI
P.O. NAGAON
P.S. SADAR
DIST. NAGAON
ASSAM-782003.

6:MRINMOY DEKA
S/O. SHRI NAGENDRA DEKA
VILL. OJAGAON
P.O. CHENGAPATHER
DIST. UDALGURI

7:AMRIT BISWAS
S/O. SADHAN BISWAS
VILL. OUJARI
P.O. BAGHNA
DIST. MORIGAON
ASSAM-782105.

8:JITJYOTI KALITA
C/O. SHRI RISHAB CH. KALITA
R/O. KRISHNANAGAR
JAPORIGOG
GUWAHATI-781005
DIST. KAMRUP (M)
ASSAM.

9:PINKU MANE BORAH
S/O. SHRI SADA NANDA BORAH
VILL. MADHUPUR
P.O. MADHUPUR

P.S. SADAR
DIST. NAGAON
ASSAM
PIN-782003.

10:TRIDEEP KR BORAH
S/O. ANIL CHANDRA BORAH
R/O. BELTOLA
BHETAPARA
P.O. BELTOLA
P.S. HATIGAON
DIST. KAMRUP (M)
ASSAM-781028.

11:RASHMI REKHA SHARMA
C/O. SHRI KARTIK SARMAH
VILL. PURANI BAZAR NO.4
AND P.S. KAMPUR
DIST. NAGAON.

12:PRANJAL DEKA
S/O. SRI MADHAB CH. DEKA
CHANDMARI
KRISHNAGAR
C/O. DEKA STORE
P.S. CHANDMARI
P.O. CHANDMARI
PIN-781003

13:DHANTI HAZARIKA
S/O. SRI PABAN HAZARIKA
VILL. TETELICHARA
P.O. TETELICHARA
P.S. KAMPUR
DIST. NAGAON
ASSAM.

14:MRIGANKA DAS
S/O. SRI NARAYAN CHANDRA DAS
R/O. CHANDMARI
NABAGIRI PATH
GUWAHATI-03
DIST. KAMRUP (M).

15:NAYANMONI DAS
R/O. AZARA
P.S. AZARA

P.O. GUHATI UNIVERSITY
GUWAHATI
DIST. KAMRUP (M).

16:RUMI DAS
D/O. SRI SURENDRA MOHAN DAS
VILL. TETELISARA
P.S. KAMPUR
DIST. NAGAON
ASSAM.

17:MANAB DEKA
C/O. SRI KANDARPA KR. DEKA
C/O. SRI SONAMAL DEKA
R/O. P.W.D. COLONY
DISPUR
SUPERMARKET
P.O. DISPUR
P.S. DISPUR
GUWAHATI-781006
DIST. KAMRUP (M)
ASSAM.

18:JYOTI PRASAD NATH
C/O. SRI KAMINI KUMAR NATH
R/O. NARENGI BONDA (NEAR FOREST CAMP)
P.S. NOONMATI
P.O. BONDA
DIST. KAMRUP (M)
PIN-781026
ASSAM.

19:RITALI TALUKDAR
D/O. KISHORE TALUKDAR
VILL. BAREIGAON
P.O. AND P.S. TAMULPUR
DIST. BASKA
ASSAM-781367.

20:BISHAL RAJKHOWA
C/O. LT. JAGANATH RAJKHOWA
VILL/TOWN TETELISARA AMARAWATI
P.O. KAMPUR
DIST. NAGAON
ASSAM
PIN-782426.

21:TRIBENI DEVI

D/O. SRI RUPRAM NATH
VILL/TOWN MAHGARIA ATI GAON
P.O. KAMPUR
P.S. KAMPUR
DIST. NAGAON
ASSAM
PIN-782426.

22:PARINITA HAZARIKA
C/O. SHRI DEBA HAZARIKA
R/O. GADHARIA GAON
P.O. MORANGIAL
P.S. SADAR
DIST. NAGAON
ASSAM
PIN-782141.

23:PROJESH KR DAS
S/O. SRI DIPAK KR. DAS
R/O. SARUMOTORIA
DIST. KAMRUP (M)
GUWAHATI-781036
P.O. AND P.S. DISPUR

24:RUNA LASKAR
W/O. SRI SANJIB DAS
VILL. TETILISARA
P.S. KAMPUR
DIST. NAGAON
ASSAM.

25:MANASJYOTI BARMAN
S/O. HAREN CH. BARMAN
VILL. TATIMARA
P.O. SONABULI
P.S. SALBARI
DIST. BASKA
P.O. AND P.S. GALAGANJ
DIST. DHUBRI

26:SIDHARTH RAY
S/O. SRI MRINAL KANTI RAY
VILL. SOUTH TOKRECHARA
P.O. AND P.S. GALAGANJ
DIST. DHUBRI

27:KISHORE MAHANTA
S/O. SRI ABANI MAHANTA
R/O. HOUSE NO.74
ANANDA NAGAR
DR. BHUPEN HAZARIKA ROAD
P.S. AND P.O. NOONMATI
GUWAHATI
ASSAM.

28:DILIP DAS
S/O. SRI PABIN DAS
VILL. SAHPUR
P.O. NANKARBHOIRA
DIST. NALBARI
PIN-781306.

29:PRAHLAD DAS
C/O. PARAMA DAS
VILL. NO. 3
AMTALA
P.O. KUKURMARA
P.S. CHAIGAON
DIST. KAMRUP (R)
781130.

30:SATYAJIT DEKA
S/O. LT. DEKHAN DEKA
VILL. CHURATABARI
P.O. AND P.S. MIKIRBHETA
DIST. MORIGAON.

31:KASHYAJIT BARUAH
S/O. SRI DIMBESWAR BARUAH
VILL. LOZORA
P.S. SIPAJHAR
DIST. DARANG

32:THE STATE OF ASSAM

REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM
FISHERY DEPARTMENT
GUWAHATI-781006.
(PROFORMA RESPONDENT)

Advocate for the Petitioner : MR P SHARMAH

Advocate for the Respondent : MR. B D KONWAR SR. ADV.

Linked Case : Cont.Cas(C)/413/2022

SPANDAN DAS AND 30 ORS
S/O. SURYA DAS
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GUWAHATI
ASSAM.

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S/O. SRI PABIN DAS
VILL. SAHPUR

P.O. NANKARBHOIRA
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PIN-781306.

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AMTALA
P.O. KUKURMARA
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781130.

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S/O. LT. DEKHAN DEKA
VILL. CHURATABARI
P.O. AND P.S. MIKIRBHETA
DIST. MORIGAON.

31: KASHYAJIT BARUAH
S/O. SRI DIMBESWAR BARUAH
VILL. LOZORA
P.S. SIPAJHAR
DIST. DARRANG
VERSUS

RAKESH KUMAR AND 2 ORS
COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF ASSAM
FISHERY DEPARTMENT
DISPUR
GUWAHATI-781006

2:GURU JYOTI DAS
CHAIRMAN OF ASSAM FISHERIES DEVELOPMENT CORPORATION LTD.
VIP ROAD
CHACHAL
GUWAHATI-781036
DIST-KAMRUP(M)
ASSAM

3:PRASANTA BORKAKOTY
THE MANAGING DIRECTOR
ASSAM FISHERIES DEVELOPMENT CORPORATION LTD.
VIP ROAD
CHACHAL
GUWAHATI-781036
DIST-KAMRUP(M)
ASSAM

For the appellant : Mr. D. Saikia, Advocate General, Assam
Assisted by Mr. P. Sharma,
Standing Counsel, AFDC

For the respondents : Mr. B.D. Konwar, Senior Advocate
Assisted by Mr. J. Singh, Advocate

– B E F O R E –

HON'BLE THE CHIEF JUSTICE
HON'BLE MRS. JUSTICE MITALI THAKURIA

19-05-2023

This intra-Court writ appeal is directed against the order dated 27.06.2022 passed by the learned Single Judge in WP(C) 4084/2022 whereby the appellant Assam Fisheries Development Corporation Ltd. has been directed to pay salary to the writ petitioners (respondents herein) till the conclusion of the enquiry initiated on the acceptability of their appointments.

Learned Advocate General submits that the appellants were not provided an opportunity of filing affidavit in the writ petition. He further submits that many of the officials involved in the grossly illegal appointments provided to the writ petitioners/respondents have been placed under suspension. An FIR has also been registered against the fraudulent appointments and the matter is now pending for grant of sanction to prosecute such officials.

Mr. B.D. Konwar, learned senior counsel representing the writ petitioners/respondents has vehemently objected to the submissions advanced by the learned Advocate General of the State.

In view of the objections raised by Mr. B.D. Konwar, we hereby direct the learned Advocate General to file an affidavit to satisfy the Court as to whether any action is sought to be taken against the Managing Director, Chairman and other members of the Corporation, including other officers responsible for providing fraudulent appointments to the writ petitioners/respondents. The requisite affidavit be filed in two weeks.

In the meantime, effect and operation of the direction given by the learned Single Judge in the impugned order to pay the salary to the writ petitioners/respondents till conclusion of the enquiry is stayed.

List on **07.06.2023.**

JUDGE

CHIEF JUSTICE

Comparing Assistant