

GAHC010151552024



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

Case No. : WP(C)/3795/2024

REDAUL HUSSAIN KHAN
S/O- LATE HAJI MD. HUSSAIN KHAN, R/O- TARUN NAGAR, P.O. AND P.S.
DISPUR, DIST. KAMRUP(M), ASSAM, GUWAHATI-6.

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY CHIEF SECRETARY TO THE GOVERNMENT OF ASSAM,
DISPUR, GUWAHATI-06.

2:THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM
WOMEN AND CHILD DEVELOPMENT DEPARTMENT
DISPUR
GUWAHATI-06.

3:THE SECRETARY TO THE GOVT. OF ASSAM
WOMEN AND CHILD DEVELOPMENT DEPARTMENT
DISPUR
GUWAHATI-06.

4:THE PRINCIPAL SECRETARY
NC HILLS AUTONOMOUS COUNCIL
DIMA HASAO
HAFLONG
DIST. DIMA HASAO
ASSAM
PIN- 788819

Advocate for the Petitioner : MR R ISLAM, MS M KURMI

Advocate for the Respondent : GA, ASSAM, SC, N C HILLS

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

ORDER

31.07.2024.

Heard Shri TJ Mahanta, learned Senior Counsel assisted by Shri R Islam, learned counsel for the petitioner.

The petitioner was convicted in a criminal case and pursuant to the said conviction, he was also dismissed from service. The petitioner was holding the post of Deputy Director, Social Welfare Department, NC Hills in an ex-cadre capacity. It is submitted that the conviction by the learned trial court was interfered with by this Court in an appeal and the petitioner has been acquitted. The petitioner had also filed a writ petition in this Court challenging the dismissal which was registered as WP(C)/5365/2018. The said writ petition was allowed vide the judgment dated 06.02.2024 by interfering with the dismissal. This Court has, however, observed that the petitioner would continue to be under suspension for a period of 3 months from the date of the judgment and the employer shall review the need of continuation of such suspension in accordance with the principles laid down by the Hon'ble Apex Court in the case of ***Ajay Kumar Choudhary Vs. Union of India***, reported in **(2015) 7 SCC 291**. It is the specific case of the petitioner that though an order was passed on 26.04.2024 regarding taking back of the petitioner in service, he was kept under suspension till a review was made. Though a review appears to have been made on 04.05.2024, it is alleged that the communication of the review was made subsequent to expiry of 90 days from the date of the judgment.

Let notice be issued, returnable by 4 weeks.

Shri D Nath, learned Sr. Government Advocate, Assam accepts notice on behalf of the respondent nos. 1, 2 and 3; Ms. A Lodha, learned counsel appearing on instructions of Shri RM Das, learned Standing Counsel, NC Hills Autonomous Council

accepts notice on behalf of the respondent no. 4.

Let extra copies of the writ petition along with its annexures be served upon the learned counsel for the respondents.

JUDGE

Comparing Assistant