

GAHC010151752023



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

Case No. : WP(C)/3985/2023

OLI ULLAH
S/O LATE HABI ULLAH,
R/O HOUSE NO. 10, JYOTINAGAR, GUWAHATI- 781021.

VERSUS

THE STATE OF ASSAM AND 4 ORS.
REP. BY THE ADDITIONAL CHIEF SECRETARY TO THE GOVT. OF ASSAM,
FOOD, CIVIL SUPPLIES AND CONSUMER AFFAIRS DEPTT, ROOM NO. D415,
D- BLOCK, 4TH FLOOR, ASSAM SECRETARIAT, JANATA BHAWAM, DISPUR,
GUWAHATI- 6.

2:THE SECRETARY TO THE GOVERNMENT OF ASSAM
THE FOOD
CIVIL SUPPLIES AND CONSUMER AFFAIRS DEPTT
ROOM NO. 415
A- BLOCK
4TH FLOOR
ASSAM SECRETARIAT
JANATA BHAWAM
DISPUR
GUWAHATI- 6.

3:THE COMMISSIONER
FOOD
CIVIL SUPPLIES AND CONSUMER AFFAIRS AND LEGAL METROLOGY
R.K MISSION ROAD
P.O.- ULUBARI
DIST.- KAMRUP (M)
PIN- 781007.

4:BIPIN CHANDRA CHAKRAVARTY

ASSISTANT DIRECTOR (RETIRED)
DIRECTORATE OF FOOR
CIVIL SUPPLIES
CONSUMER AFFAIRS AND LEGAL METROLOGY
SETHI TRUST BUILDING
OPPOSITE BIG BAZAR
BHANGAGARH
GUWAHATI- 5
ASSAM.

5:BIPUL TALUKDAR
DEPUTY DIRECTOR
DIRECTORATE OF FOOR
CIVIL SUPPLIES
CONSUMER AFFAIRS AND LEGAL METROLOGY
SETHI TRUST BUILDING
OPPOSITE BIG BAZAR
BHANGAGARH
GUWAHATI- 5
ASSAM

Advocate for the Petitioner : MR. U K NAIR

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

14.08.2023

Mr. U.K. Nair, learned senior counsel assisted by Ms. S.S. Hazarika, learned counsel for the petitioner as well as Mr. CKS Baruah, learned Govt. Advocate appearing for the respondent nos.1, 2 and 3.

2. This Court by order dated 02.08.2023 had recorded that as per written instructions dated 24.07.2023 produced by the learned Govt. Advocate, the departmental Selection Committee was scheduled to be held on 10.08.2023.

3. In the said context, the learned senior counsel for the petitioner has submitted that as per his instructions, the DPC has not been held. Apprehension is expressed that as the petitioner is superannuating on 31.08.2023, the DPC would be held after the said date so as to deprive the petitioner the benefit of promotion. Accordingly, the learned senior counsel for the petitioner has submitted to protect the interest of the petitioner, this Court may be pleased to direct that whenever the DPC is held, the effect of DPC would be made atleast one day prior to the date of superannuation which is 31.08.2023 so that if the petitioner becomes entitled to promotion even after his superannuation, he gets the benefit of such promotion.

4. It is noted that although notice of motion was issued by order dated 17.07.2023, the respondents have not filed their affidavit-in-opposition.

5. In view of the nature of apprehension expressed by the learned senior counsel for the petitioner, while granting time to the respondents to file their affidavit-in-opposition it is provided that in the event the DPC is held at any point of time thereafter, the Department Selection Committee would be obliged to consider the candidature of the petitioner to promotion in terms of the claim made. It is specifically provided that the Department Selection Committee shall give effect to the order of promotion on any date which would be prior to 31.08.2023.

6. The petitioner is permitted to produce a certified copy of this order before the respondent nos.1 and 2 to bring the order to the notice of the said authorities.

7. List the matter on 28.08.2023 for filing an affidavit-in-opposition by the respondent nos.1, 2 and 3.

8. The learned Govt. Advocate shall also transmit a copy of this order to the authorities so as to enable the respondent nos.1, 2 and 3 to take note of the order and to file affidavit-in-opposition prior to the next date of listing.

JUDGE

Comparing Assistant