

GAHC010161402018



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

Case No. : WP(C)/4972/2018

ANANDA TOKBI
S/O. LT. HAREN TOKBI, VILL. JUNGTHUNG TIMUNG GAON, P.S.
DOKMOKA, P.O. DUARBAMUNI (DENGAON), DIST. KARBI ANGLONG,
ASSAM PRESENTLY POSTED AS SUB-DIVISIONAL POLICE OFFICER,
NAZIRA, SIVASAGAR, ASSAM.

VERSUS

THE STATE OF ASSAM AND 3 ORS.
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM, HOME AND
POLITICAL DEPTT., DISPUR, GHY.-06.

2:THE ADDL. SECRETARY
TO THE GOVT. OF ASSAM HOME (A) DEPTT.
DISPUR
GHY.
ASSAM.

3:THE DIRECTOR GENERAL OF POLICE

ASSAM
ULUBARI
GUWAHATI-07
ASSAM.

4:THE ENQUIRY OFFICER

THE ADDITIONAL DIRECTOR GENERAL OF POLICE
STF
ASSAM
SRIMANTAPUR
GUWAHATI- 32

Advocate for the Petitioner : MR. B C DAS

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA**

ORDER

Date : 25.05.2022

Heard Mr. D.N. Bhattacharya, learned counsel for the petitioner as well Ms. A. Talukdar, learned Govt. Advocate appearing for all the respondents.

The learned Govt. Advocate prays for some more time to file an affidavit-in-opposition in the matter.

In this writ petition the petitioner has assailed the order passed in the departmental proceeding, whereby the petitioner has been punished with the withholding of one increment with cumulative effect. It is also projected that the appeal filed by the petitioner on 18.04.2018, before the appellate authority, has not been attended to.

In view of the above, one last chance is granted to respondents to file their affidavit-in-opposition at least 2(two) days prior to the next date of listing.

The State respondents are put to notice to inform the Court about the fate of the appeal dated 18.04.2018 (Annexure-9) filed by the petitioner on the next date of listing, failing which the Court would be inclined to presume that the appellate authority under Rule 15 of the Assam Services (Discipline and Appeal) Rules, 1964 have abdicated their duty to dispose of appeal filed by the petitioner on 18.04.2018 (Annexure 9) and therefore, the Court would be

compelled to adjudicate the matter on merit.

It will be open to the learned Govt. Advocate to transmit a copy of this order to the competent respondent authorities to bring this order to their notice.

In the event, the affidavit-in-opposition is not filed, the respondents should ensure that the record of the departmental proceeding in respect of the petitioner is produced before the Court.

List after 4(four) weeks.

JUDGE

Comparing Assistant