

GAHC010161452020



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

Case No. : WP(C)/4827/2020

MONOJ KUMAR DAS
S/O- LT. SITA RAM DAS, R/O- GARALIYA (SARUSAJAI), P.O. SAWKUCHI,
GHY-40, DIST.- KAMRUP (M), ASSAM, PIN- 781040

VERSUS

THE STATE OF ASSAM AND 7 ORS
REP. BY THE PRINCIPAL SECY. TO THE GOVT. OF ASSAM, DEPTT. OF
PANCHAYAT AND RURAL DEVELOPMENT, DISPUR, GHY-6

2:THE COMMISSIONER
DEPTT. OF PANCHAYAT AND RURAL DEVELOPMENT
ASSAM
PANJABARI
GHY-37

3:THE SECRETARY
GOVT. OF ASSAM
PANCHAYAT AND RURAL DEVELOPMENT
DISPUR
GHY-6

4:CHIEF EXECUTIVE OFFICER
ZILLA PARISAD
KAMRUP (M)
PANBAZAR
GHY-1

5:CHIEF EXECUTIVE OFFICER
ZILLA PARISAD
KAMRUP (R)
PANBAZAR

GHY-1

6:BLOCK DEVELOPMENT OFFICER
DIMORIA DEVELOPMENT BLOCK
SONAPUR
KAMRUP (M)

7:BLOCK DEVELOPMENT OFFICER
RANI DEVELOPMENT BLOCK
RANI
KAMRUP (R)

8:NABIN CH. MEDHI
S/O- LT. GHANASHYAM MEDHI
R/O- VILL- JOGUKUCHI
P.O. AND P.S. SONAPUR
DIST.- KAMRUP (M)
ASSAM
PIN- 78240

Advocate for the Petitioner : MR. C GOSWAMI

Advocate for the Respondent : SC, PNRD

BEFORE
HONOURABLE MR. JUSTICE MANOJIT BHUYAN

ORDER

27.11.2020

Heard Mr. C. Goswami, learned counsel for the petitioner as well as Mr. A. Roy, learned counsel representing respondent nos. 1 to 7.

Challenge in the writ petition is to an order dated 05.11.2020, issued under the hand of the Commissioner, Panchayat and Rural Development, Assam, whereby the earlier transfer order dated 06.10.2020 was stayed. It is seen that by the earlier transfer order dated 06.10.2020 the petitioner, in his capacity as Secretary of Rani Gaon Panchayat, was transferred to Baruabari Gaon Panchayat vice respondent no. 8, who was transferred from Baruabari Gaon Panchayat to Rani Gaon Panchayat. It is stated that pursuant to the said transfer order dated 06.10.2020, the petitioner had joined at Baruabari Gaon Panchayat on

28.10.2020. However, even after joining at Baruabari Gaon Panchayat and within a period less than a month, the aforesaid impugned order dated 05.11.2020 was passed. Submission made is that the impugned order has been issued without due application of mind and by ignoring the fact that the petitioner had already joined at Baruabari Gaon Panchayat. Further, that the impugned order was passed only to accommodate the respondent no.8 so that he can stay at Baruabari Gaon Panchayat.

On the above, let Notice be issued, making it returnable by four weeks.

Extra copies of the writ petition be furnished to Mr. Roy within 5 (five) days.

Petitioner to take steps for service of Notice on the private respondent no. 8 by registered post, acknowledgement due, within three days.

Heard on the interim prayer.

On the facts appearing this Court directs that until further orders, the operation of the Office Order dated 05.11.2020 (Annexure-H) shall remain stayed, insofar as the petitioner and the respondent no. 8 are concerned.

JUDGE

Comparing Assistant