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

Case No. : WA/350/2024

THE ASSAM SEEDS CORPORATION LTD AND ANR
REPRESENTED HEREI BY ITS THE MANAGING DIRECTOR, OFFICE OF THE
ASSAM SEEDS CORPORATION LTD., KHANAPARA, GUWAHATI-21.

2: THE MANAGING DIRECTOR
OFFICE OF THE ASSAM SEEDS CORPORATION LTD.
KHANAPARA, GUWAHATI-21

VERSUS

ON THE DEATH OF HABIBUR RAHMAN HIS LEGAL HEIRS RAKIBUR
RAHMAN AND ANR
S/O LT. HABIBUR RAHMAN, R/O MAZID ROAD, SANTIPUR, P.O.
BHARALUMUKH, GHY-9,
DIST- KAMRUP(M), ASSAM

2:RAFIZUR RAHMAN
S/O LT. HABIBUR RAHMAN
R/O MAZID ROAD
SANTIPUR,
P.O. BHARALUMUKH
GHY-9, DIST- KAMRUP(M),
ASSAM

For the appellant/petitioner(s) : Mr. S. Chamaria, Advocate

For the Respondent(s) : Mr. M. Sarma, Advocate

- B E F O R E -
HON'BLE THE CHIEF JUSTICE MR. ASHUTOSH KUMAR
HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY

19.01.2026

(Ashutosh Kumar, CJ)

We have heard Mr. S. Chamaria, learned Advocate for the appellant/Assam Seeds Corporation Ltd., and Mr. M. Sarma, learned Advocate for the respondent Nos. 1 and 2.

2. This writ appeal has been preferred by the appellant/Assam Seeds Corporation Ltd. (hereinafter referred to as "Corporation") challenging the order dated 31.07.2024, passed by a learned Single Judge of this Court in WP(C) 5188/2016.

3. One Habibur Rahman, an employee of the appellant, on an allegation of misappropriation of funds of the Corporation, was suspended and ultimately dismissed from service vide an order dated 25.01.2000.

4. The challenge to such order of dismissal resulted in a direction to the appellant to consider the employee's representation.

5. The departmental authorities, pursuant to such a direction of this Court, found that the authority conducting the departmental proceeding did not follow the procedure prescribed under Rule 9 of the Assam Services (Disciplinary Appeal) Rules, 1964 and, hence, found the dismissal of the employee to be bad in the eyes of law. Thus, he was reinstated in service with the caveat that from the date of dismissal till such reinstatement, the employee shall be deemed to have been under suspension and a *de novo* proceeding against him shall be started.

6. No such proceeding was commenced.

7. However, in the meantime, in the criminal case lodged against the employee under the provisions of the Prevention of Corruption Act, 1988, the employee was convicted and sentenced.

8. In appeal, the conviction was set aside, both on merits as also on the ground of the sanction to prosecute the employee being defective.

Consequently, the employee had to be reinstated.

9. When no consequential order was forthcoming from the appellant/Corporation, the employee preferred a writ petition before this Court, but before the same could be argued, he died; whereafter his heirs were substituted in the writ petition.

10. Recording all the sequence of events, the learned Single Judge observed that the only sequitur of this concatenation of events would require the heirs of the employee to be paid the entire salary of the employee, till such time he would have normally retired from service, and also the pensionary benefits, if permissible under the law.

11. The challenge of Mr. Chamaria principally is on the ground that while the employee was directed to be reinstated in service, it was held that the period intervening between his suspension and dismissal be treated as the period of suspension, but the learned Single Judge has directed for payment of the entire salary of the employee to his heirs.

12. What Mr. Chamaria has misses out is that the concerned period was directed to be treated as a period of suspension of the employee but with the rider that a departmental proceeding would be initiated *de novo*, which, as noted earlier, never commenced.

In that view of the matter, the learned Single Judge was not off the

line in directing for payment of salary for the entire period.

13. We do not find any folly with the judgment of the learned Single Judge, persuading us to interfere on any count.

14. The appeal has no merits and thus the same is dismissed.

JUDGE

CHIEF JUSTICE

Comparing Assistant