

GAHC010183272025



undefined

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

Case No. : WA/386/2025

NEERAJ BHARALI
SON OF LATE G.C. BHARALI, RESIDENT OF B-4/103, GAMES VILLAGE,
BORSOJAI, GUWAHATI-29, ASSAM.

VERSUS

THE STATE OF ASSAM AND 2 ORS.
REPRESENTED BY THE PRINCIPAL SECRETARY, LABOUR AND
EMPLOYMENT DEPARTMENT, DISPUR, GUWAHATI-6.

2:THE COMMISSIONER AND SECRETARY
LABOUR AND EMPLOYMENT DEPTT.
DISPUR
GUWAHATI 6

3:THE CHIEF INSPECTOR OF FACTORIES

BHANGAGARH
GUWAHATI 5
ASSAM

For the appellant : Mr. U.J. Saikia, Advocate

– B E F O R E –

HON'BLE THE CHIEF JUSTICE MR. ASHUTOSH KUMAR
HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY

21-01-2026

(Ashutosh Kumar, C.J.)

The appellant has questioned the judgment dated 07.01.2025 passed by a learned Single Judge of this Court in WP(C) 7297/2013, whereby it has been held that any order passed on the facts of the case would be a futile exercise.

The appellant had earlier approached the Assam Administrative Tribunal, Guwahati seeking a direction to promote him to the rank of Additional Chief Inspector of Factories notionally w.e.f. 13.10.2004.

The Assam Administrative Tribunal rejected such prayer of the appellant.

The records reveal that the appellant had earned adverse remarks in his ACR for the year 2002-2003 and, therefore, he was not recommended to be promoted to the post of Additional Chief Inspector of Factories.

The appellant challenged such non-consideration of his prayer by filing a writ petition [WP(C) 854/2008], which was disposed off but with a parenthetical observation that the adverse remarks recorded in the ACR of the appellant for the years 2002-2003 and 2005-2006 were not in consonance with the ACR Rules.

However, the learned Single Judge refused to interfere in the matter

and, in our estimation, rightly so for the reason that the appellant had already retired in the year 2012 and if any order had to be passed, it would have been in the nature of a direction for holding a review DPC, which was neither feasible nor advisable.

The learned Single Judge, therefore, has observed that any order passed in the present set of facts would be futile.

Putting our imprimatur on the afore-noted reasoning, we dismiss this appeal.

JUDGE

CHIEF JUSTICE

Comparing Assistant