

GAHC010186602024



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

**Case No. : WP(C)/4668/2024**

SUKANYA DAS  
W/O MR. KRISHNA BORDEURI,  
R/O BYLANE NO. 03, GORCHUK  
CHARIALI,  
DIST. KAMRUP (M), ASSAM, PIN-781035

VERSUS

THE STATE OF ASSAM AND 2 ORS  
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF ASSAM,  
HOME (A) DEPARTMENT, PIN-781006

2:THE DIRECTOR GENERAL OF POLICE

ASSAM  
ULUBARI  
DIST. KAMRUP (M)  
ASSAM  
PIN-781007

3:ASSISTANT INSPECTOR GENERAL OF POLICE (WELFARE)

ULUBARI  
DIST. KAMRUP (M)  
ASSAM  
PIN-78100

**Advocate for the Petitioner** : MR. M K CHOUDHURY, MR. M SARMA,MR P BHARDWAJ

**Advocate for the Respondent** : GA, ASSAM,

**BEFORE  
HONOURABLE MR. JUSTICE SUMAN SHYAM**

**ORDER**

**03.10.2024**

Heard Mr. M. K. Choudhury, learned senior counsel assisted by Mr. M. Sarma, learned counsel appearing for the petitioner. Also heard Mr. J. K. Goswami, learned Addl. Senior Govt. Advocate, Assam, who has produced a copy of the written instructions dated 23.09.2024. A perusal of the same *prima-facie* goes to show that the notice in question was issued to the petitioner by the respondent No.3 on behalf of the Enquiry Officer, viz., Shri Vivek Raj Singh (IPS).

Mr. Goswami has, however, not been able to satisfy this Court as to how the Presenting Officer can issue notice to the delinquent to appear for recording her statement under the extant Assam Service (Discipline & Appeal) Rules, 1964. It appears that Shri Vivek Raj Singh (IPS) has been appointed as the Enquiry Officer to enquire into the charges brought against the writ petitioner. However, in this case, the respondent No.3, who is the Presenting Officer, has issued the impugned notice directing the petitioner to appear for recording her statement.

Considering the above and on the request of Mr. Goswami, four weeks further time is granted to the learned Govt. Advocate to examine the issue and address the Court.

Let this matter be listed again on 06.11.2024.

The respondents may file affidavit, in the meantime, bring the stand of the department on record.

Interim order passed earlier to continue.

The prayer for stay of the disciplinary proceeding as made by the petitioner

shall be considered on the next date fixed.

**JUDGE**

**Comparing Assistant**