

GAHC010187542023



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

Case No. : WP(C)/4972/2023

RAJU THAKUR
S/O- JUNJUN THAKUR,
R/O- VILLAGE AMBARI,
P.O. AND P.S.- MUSHALPUR,
DISTRICT- BAKSA, ASSAM- 781372

VERSUS

THE STATE OF ASSAM AND 4 ORS
ASSAM PRISON HEADQUARTERS,
KHANAPARA, GUWAHATI- 781022.

2:THE INSPECTOR GENERAL OF PRISONS
ASSAM PRISON HEADQUARTERS
KHANAPARA
GUWAHATI- 781022.

3:THE DEPUTY INSPECTOR GENERAL OF PRISONS (HQ)
HEADQUARTERS
KHANAPARA
GUWAHATI- 781022.

4:THE DEPUTY INSPECTOR GENERAL OF PRISONS (RANGE)
OFFICE OF THE DEPUTY INSPECTOR GENERAL OF PRISONS (RANGE)
KHANAPARA
GUWAHATI- 781022.

5:THE SUPERINTENDENT
CENTRAL JAIL GUWAHATI
SARUSAJAI
KAMRUP(M)
ASSAM- 781034

Advocate for the Petitioner : MR. A DEKA
Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

30.08.2023

Heard Shri A. Deka, learned counsel for the petitioner, who has put to challenge an order dated 27.07.2023 issued by the Inspector General of Prisons, Assam whereby the petitioner, who was appointed as a Jail Warder was discharged from his service under Rule 20 of the Assam Jail Service Rules, 1986 read with Explanation (g) (i) to Rule 7 of the Assam (Discipline and Appeal) Rules, 1964. The petitioner was on probation and has just completed more than a month and the allegation is that he was found to be in possession of contraband articles which was hidden under his Cap, Shirt, Pant, Shoes etc.

Shri Deka, learned counsel for the petitioner however submits that the aforesaid penalty cannot be treated as a discharge simpliciter as allegations have been leveled against him and therefore he was entitled for a fair opportunity.

Let Rule be issued, returnable by 6(six) weeks.

Shri TC Chutia, learned Additional Senior Government Advocate accepts notice on behalf of all the respondents. Extra copies of the writ petition be served upon him by tomorrow.

List this case after 6(six) weeks.

JUDGE

Comparing Assistant