

GAHC010187542023



undefined

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, MR. S BORTHAKUR, MR H AGARWAL, MR. R SALOI

Advocate for the Respondent : GA, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

16.10.2025

Heard Mr. A Deka, learned counsel for the petitioner. Also heard Mr. T.C Chutia, learned Addl. Senior Government Advocate for the respondents.

2. This writ petition has been filed by the petitioner challenging the discharge order issued on 27.07.2023.

3. The learned counsel for the petitioner submits that he was appointed as a Warder Central Jail in the Department of Prisons under the Government of Assam. On 17.07.2023, he was placed under suspension on administrative ground for violation of Assam Jail Manual Rule 298 (2) & (3) with immediate effect. Subsequently, on 24.07.2023 he was served with a show cause notice under Rule 9 of the Assam Services (Discipline and Appeal) Rules, 1964 read with Article 311 of the Constitution of India. The said show cause notice is shown to be enclosed with statement of allegations, list of documents, list of witnesses. Thereafter, subsequently by the impugned order dated 27.07.2023, the petitioner was discharged from service under Rule 20 of the Assam Jail Services Rules, 1986 read with Explanation (g) (i) to Rule 7 of the Assam

Services (Discipline and Appeal) Rules, 1964.

4. The learned counsel for the petitioner submits that the discharge order was issued on the ground of the allegations made against the writ petitioner and therefore it is not a discharge simplicitor and it has civil consequences. Therefore, he ought to have been given an opportunity of being heard and the principles of natural justice were required to be followed.

5. Mr. Chutia on the other hand referring to the communication dated 22.07.2023 issued by the Superintendent, Central Jail Guwahati to the DIG of Prisons (Range) Guwahati submit that in the said communication it was stated therein that petitioner and two others had submitted written statements confessing their guilt and they begged apology along with a commitment not to continue such practices in future. However, the written statements stated to have been filed by the petitioner is not enclosed to any of the pleadings.

6. The learned counsel for the petitioner on the other hand disputed the contentions raised by the learned Addl. Senior Government Advocate stating that written statements will be filed by the writ petitioner.

7. Under such circumstances, this Court is of the view that the relevant records pertaining to the disciplinary proceedings undertaken against the writ petitioner leading to the discharge by impugned order is required to be called for.

8. Let these records be called for and written statement if any filed by the petitioner be placed before this Court.

List again on 11.11.2025.

JUDGE

Comparing Assistant