

Heard Mr. P.D. Nair, learned counsel for the petitioner. Also heard Mr. D. Saikia, learned senior counsel assisted by Mr. S. Bora, learned counsel representing the Guwahati Municipal Corporation.

Issue notice returnable on 18/02/2015. Mr. S. Bora, learned Standing Counsel, GMC and Guwahati Development Department (GDD) accepts notice on behalf of all the respondents. Extra copies of the writ petition shall be furnished to him within three days with due acknowledgement.

Heard learned counsel for the parties on the interim prayer. The petitioner is aggrieved by Annexure P/14 order dated 01/12/2014 of the Commissioner, GMC, releasing him from service. He was first appointed on 28/02/2011 (Annexure P/4) on contractual basis for a period of six months from the date of joining. However, his appointment was continued from time to time. Vide Annexure P/12 notification dated 17/06/2014 issued by the Government of Assam in the GDD under the signature of the Additional Chief Secretary, the approval of the State Cabinet for retention of the post of Registrar, Superintendent and two fixed pay employees till retirement of the incumbents, was communicated. The petitioner is one of the said two fixed pay employees working as Administrative Officer (Business Administration). Along with the notification, the staffing pattern of GMC was also enclosed mentioning therein about the approval of the State Cabinet for retention of two fixed pay employees, namely Administrative Officer (Business Administration) and Public Relation Officer (PGO) till retirement of the incumbents. It was also conveyed that since said two posts have been filled up by observing all formalities with the concurrence of the Finance Department, their service should be regularized with the scale of pay mentioned in the staffing pattern.

In view of the above decision of the Government when the impugned order dated 01/12/2014 came to be issued by the GMC authority, the petitioner filed the writ petition alleging violation of the Government decision. Mr. S. Bora, learned counsel led by Mr. D. Saikia, learned senior counsel representing the GMC, was directed to obtain instruction vide orders dated 05/12/2014 and 08/12/2014. It was provided that since the petitioner was provided with one month's pay notice to be expired on 31/12/2014, the dispensation of service of the petitioner would be subject to the further orders to be passed in this proceeding.

Today, Mr. D. Saikia, learned counsel representing the GMC has produced the letter dated 15/12/2014 addressed to him by the Commissioner, GMC, conveying the decision of the GMC to revisit the staffing pattern for which a Committee has been appointed. By the said letter, it has also been conveyed that the regular recruitment to the post of Administrative Officer (Business Administration) would be done by the Municipal Service Commission along with other vacant posts. It has also been conveyed that the General Council of the GMC in its meeting held on 29/10/2014 took a decision to fill up the post of Administrative Officer (Business Administration) only with the proper examination and interview. However, on perusal of the minutes of the meeting of the General Council dated 29/10/2014, no such resolution is found to have been adopted. One of the Councilor namely Manabendra Malla Buzarbaruah had raised the issue as to whether the Administrative Officer (Business Administration) and Public Relation Officer were appointed pursuant to any selection or not. No decision as such was arrived at on this issue.

In view of the above and more particularly in view of the Government decision

ision referred to above, I am inclined to suspend the impugned order dated 01/12/2014 (Annexure P/14) till the next returnable date.

List again on 28/02/2015, on which date, both GMC and GDD shall file individual affidavit dealing with the contentions raised in the writ petition.