

WP(C) 2545/2016
BEFORE
HON'BLE MR. JUSTICE UJJAL BHUYAN

Heard Mr. KM Haloi, learned counsel for the petitioner and Ms. C Sarma, learned Standing Counsel, PWD (Roads).
Petitioner is serving as a Grade-IV employee in the establishment of Assistant Executive Engineer, Sivasagar PWD (Road) Sub-Division. Petitioner was initially engaged as Muster Roll worker on 03.01.1984 whereafter, his services were regularized on 30.09.2005. In the service book of the petitioner, a copy of which has been placed on record, petitioner's date of birth has been recorded as 31.12.1969 superannuation age being 60. The school certificate also supports such date of birth of the petitioner. If that be so, petitioner's date of superannuation would be on 31.12.2029. But surprisingly, Executive Engineer, Sivasagar State Road Division issued communication dated 09.03.2016 to the petitioner stating that he would retire from service on 30.04.2016 and, accordingly, he was asked to submit the necessary documents in the office of the Accountant General, Assam. Prima-facie, the impugned communication dated 09.03.2016 does not appear to be based on record.
Issue notice, returnable 6 weeks.
Ms. C Sarma, learned Standing Counsel accepts notice on behalf of respondent Nos .1, 2 & 3. Extra copies within 3 days.
Mr. C Baruah, learned Standing Counsel, Accountant General, Assam submits that Accountant General, Assam has been unnecessarily added as a respondent (respondent No.4) in the proceeding and, accordingly, prays for striking off the name of Accountant General from the list of respondents.
In view of the submission made, respondent No.4 be struck off from the list of respondents.
Having heard learned counsel for the parties and on perusal of the materials on record, impugned communication dated 09.03.2016 is hereby stayed. Petitioner shall continue as Grade-IV employee in the office of Assistant Executive Engineer, Sivasagar PWD (Road) Sub-Division until further order(s).
List on 17.06.2016.