

GAHC010205862024



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

Case No. : WP(C)/5183/2024

REDAUL HUSSAIN KHAN
S/O- LATE HAJI MD. HUSSAIN KHAN,
R/O- TARUN NAGAR, BYE LANE 2,
P.S- DISPUR, GUWAHATI-06, DIST- KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM AND 6 ORS
REP. BY THE CHIEF SECRETARY TO THE GOVT. OF ASSAM, DISPUR,
GUWAHATI-06

2:THE COMMISSIONER AND SECRETARY
TO THE GOVERNMENT OF ASSAM
WOMEN AND CHILD DEVELOPMENT DEPARTMENT
DISPUR
GUWAHATI-6

3:THE COMMISSIONER AND SECRETARY
TO THE GOVERNMENT OF ASSAM
SOCIAL WELFARE DEPARTMENT DISPUR
GUWAHATI-06.

4:THE PRINCIPAL SECRETARY
TO THE GOVERNMENT OF ASSAM
WOMEN AND CHILD DEVELOPMENT DEPARTMENT
DISPUR
GUWAHATI-06.

5:THE PRINCIPAL SECRETARY
NORTH CACHAR HILLS AUTONOMOUS COUNCIL
HAFLONG
DIMA HASAO

6:THE SECRETARY
TO THE GOVERNMENT OF ASSAM
WOMEN AND CHILD DEVELOPMENT DEPARTMENT
DISPUR
GUWAHATI-6

7:THE DIRECTOR
WOMEN AND CHILD DEVELOPMENT DEPARTMENT
DISPUR
GUWAHATI-

Advocate for the Petitioner : MR. B P BORAH, MR J. B. CHOUDHURY,MR. A
KHANDAKAR,MR P J DUTTA

Advocate for the Respondent : GA, ASSAM, SC, N C HILLS

BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM

ORDER

Date : 04-10-2024

Heard Mr. P.K. Goswami, learned Sr. counsel assisted by Mr. P.J. Dutta, learned
counsel for the writ petitioner.

Assailing the order dated 03-09-2024 issued by the respondent No. 4 downgrading
the petitioner to the post of Probationary Officer from the post of Deputy Director, the
instant writ petition has been filed, *inter alia*, on the ground that by arbitrarily
downgrading the petitioner, the respondents are seeking to lower the amount of
subsistence allowance paid to him by reducing the amount from what is due as per the
post held by the petitioner earlier.

Mr. Goswami submits that the procedure adopted in this case is wholly arbitrary
and illegal and hence, deserves to be interfered with by this Court.

Mr. A. Chakraborty, learned Govt. Advocate, Assam prays for some time to obtain instruction in the matter.

Issue notice of motion returnable on 28-10-2024.

Since Mr. A. Chakraborty has accepted notice on behalf of respondent Nos. 1 to 4, 6 and 7, and Ms. R. Deka, learned standing counsel, NCHAC, has accepted notice on behalf of respondent No. 5, service of notice is deemed to be complete in this case.

Extra copies of the writ petition, requisite in numbers, be furnished to the learned standing counsel, so as to enable them to obtain instruction.

Heard on the prayer of interim relief.

The said prayer will be considered on the returnable date.

Having regard to the facts and circumstances of the case as well as for ends of justice, it is hereby provided that till the returnable date, subsistence allowance payable to the petitioner shall be at par with what was being received by him prior to the issuance of the impugned order dated 03-09-2024, which would, however, be subject to further order(s) that may be passed in this case.

JUDGE

GS

Comparing Assistant