

GAHC010212282024



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

**Case No. : WP(C)/5249/2024**

RUMIR TIMUNGPI  
D/O- MONGAL SING TIMUNG, R/O- WARD NO. 6, HOUSE NO. 149, P.O.  
DIPHU, DIST. KARBI ANGLONG, ASSAM, PIN- 782460.

VERSUS

THE STATE OF ASSAM AND 4 ORS  
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO THE  
GOVERNMENT OF ASSAM, HOME AND POLITICAL DEPARTMENT, DISPUR,  
GUWAHATI-781006, ASSAM

2:THE SECRETARY TO THE GOVERNMENT OF ASSAM  
HOME (A) DEPARTMENT  
JANATA BHAWAN  
DISPUR  
GHY-781006  
ASSAM

3:THE JOINT SECRETARY TO THE GOVT. OF ASSAM  
HOME AND POLITICAL DEPARTMENT  
JANATA BHAWAN  
DISPUR  
GUWAHATI-781007  
ASSAM

4:THE DIRECTOR GENERAL OF POLICE

ULUBARI  
GUWAHATI-781007  
ASSAM

5:THE INSPECTOR GENERAL OF POLICE (T AND AP

ASSAM -CUM- INQUIRING OFFICER  
ULUBARI  
GHY-781007  
ASSA

**Advocate for the Petitioner** : MR. B GOGOI, MR M BHUYAN

**Advocate for the Respondent** : GA, ASSAM,

**BEFORE**  
**HONOURABLE MR. JUSTICE SUMAN SHYAM**

**ORDER**

**Date** : 04-10-2024

Heard Mr. D. Das, learned Sr. counsel assisted by Mr. B. Gogoi, learned counsel for the writ petitioner.

Perused the averments made in the writ petition.

The writ petitioner has approached this Court with a prayer to stay further proceeding in the disciplinary proceeding initiated against her on the ground that on the same set of facts and based on the same set of witnesses, charge-sheet has been submitted against her in the pending criminal proceeding in the form of Dibrugarh P.S. Case No. 936/2016.

By referring to the decision of the Supreme Court rendered in the case of reported in ***M/s Stanzen Toyotetsu India Pvt. Ltd. Vs. Girish V & Ors.*** reported in ***(2014) 3 SCC 636*** and the similar orders passed by this Court in other matters, Mr. Das has prayed for suspension of the further proceeding in the departmental enquiry.

Mr. A. Chakraborty, learned Govt. Advocate, Assam prays for some time to obtain

instruction in the matter.

Issue notice of motion returnable on 30-10-2024.

Since Mr. A. Chakraborty has accepted notice on behalf of all the respondents, 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.

Mr. Das submits that although the petitioner had submitted her written statement in defense, no further date has been notified in the departmental proceeding after 27-09-2024.

In view of the above and considering the law laid down by the Hon'ble Supreme Court in the subject matter, this Court is of the opinion that the petitioner would be entitled to *ad-interim* protection pending instruction to be obtained by the learned Govt. Advocate.

As an *ad-interim* measure, it is hereby provided that further proceeding of the pending departmental proceeding shall remain stayed till the returnable date. However, the prayer for interim relief made by the petitioner's counsel shall be subject to review/ modification, on the next date fixed, depending upon the instruction to be obtained by the learned Govt. Advocate, Assam.

**JUDGE**

GS

**Comparing Assistant**