

GAHC010221412024



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

Case No. : WP(C)/5473/2024

DHIREN CHANDRA DAS
SON OF- SANTA RAM DAS,
RESIDENT OF- HENGRABARI, BORBARI,
HOUSE NO.- 45, USHA NAGAR, PRAGATI PATH,
P.O.- HENGRABARI, P.S.- DISPUR,
DISTRICT- KAMRUP(M) (ASSAM),
PIN- 781021.

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE SPECIAL SECRETARY TO THE GOVERNMENT OF
ASSAM,
PUBLIC HEALTH ENGINEERING DEPARTMENT,
DISPUR, GUWAHATI-6.

2:THE SECRETARY TO THE GOVT. OF ASSAM
PUBLIC HEALTH ENGINEERING DEPARTMENT
DISPUR
GUWAHATI-6.

3:THE CHIEF ENGINEER
PUBLIC HEALTH ENGINEERING (WATER)
ASSAM
HENGRABARI
GUWAHATI- 36

DISTRICT- KAMRUP(M)
ASSAM.

4:THE SUPERINTENDING ENGINEER
PUBLIC HEALTH ENGINEERING

QUALITY CONTROL CIRCLE
GUWAHATI

KAMRUP(M)
ASSAM.

5:THE EXECUTIVE ENGINEER
PUBLIC HEALTH ENGINEERING
GUWAHATI DIVISION NO.- I
GUWAHATI-21

DISTRICT- KAMRUP(M)
ASSAM.

6:NABA KUMAR MEDHI
SR. ASSISTANT

OFFICE OF THE CHIEF ENGINEER

PHE
WATER
ASSAM

HENGRABARI
GUWAHATI-36

Advocate for the Petitioner : MR. J I BORBHUIYA, MR A HOSSAIN,MR. L MOHAN,MRS. K H CHOUDHURY

Advocate for the Respondent : SC, P H E,

BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM

ORDER

Date : 28-10-2024

Heard Mr. J.I. Borbhuiya, learned counsel for the writ petitioner.

The writ petitioner is serving as Sr. Assistant and he claims to be entitled for promotion to the next higher post of Head Assistant in the office of the Superintending Engineer, PHE, Quality Control Circle against a post which has fallen vacant. The

grievance of the petitioner is that despite his eligibility, the authorities have not considered his case for promotion. On the contrary, the respondent No. 6, who does not come within the zone of consideration under the Rules, is being considered for promotion to fill up the aforesaid vacant post of Head Assistant. Hence, this writ petition.

Mr. Borbhuiya, learned counsel for the writ petitioner prays for an interim order of protection of the interest of his client till disposal of the writ petition.

Ms. M. Kalita, learned standing counsel, PHE Department, Assam prays for some time to obtain instruction in the matter.

Issue notice of motion returnable on 02-12-2024.

Since Ms. Kalita has accepted notice on behalf of respondent Nos. 1 to 5, no formal notice is required to be sent to the said respondents.

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

Petitioner to take steps for service of notice upon respondent No. 6 by registered post with A/D within 03 days from today.

Heard on the prayer of interim relief.

The said prayer will be considered on the returnable date.

However, having regard to the overall facts and circumstances of the case, for the ends of justice and as an *ad-interim* measure, it is hereby provided that promotion, if any, to the vacant post of Head Assistant in question, shall be subject to further order(s) that

may be passed in this proceeding.

JUDGE

GS

Comparing Assistant