

GAHC010238672024



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

Case No. : WP(C)/5862/2024

PRIYANKA DEKA
W/O BIKASH TALUKDAR, RESIDENT OF BARKURIHA VILLAGE NEAR
GOPINATH MANDIR, MOROWA KAMALPUR ROAD, PO NALBARI, PS AND
DIST NALBARI, ASSAM 781348

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO THE GOVT.
OF ASSAM, HOME AND POLITICAL DEPARTMENT, DISPUR GUWAHATI
781006

2:THE COMMISSIONER AND SECRETARY
GOVT. OF ASSAM
FINANCE (TAXATION) DEPARTMENT
DISPUR GUWAHATI 06

3:THE SECRETARY TO THE GOVT. OF ASSAM

FINANCE DEPARTMENT
DISPUR GUWAHATI 781006

4:THE ADDITIONAL SECRETARY TO THE GOVT. OF ASSAM
FINANCE (TAXATION) DEPARTMENT
DISPUR GUWAHATI 78100

Advocate for the Petitioner : MR S DUTTA, MR A CHOWDHURY,MS. B
CHOWDHURY,IMSENKALA

Advocate for the Respondent : GA, ASSAM, SC, FINANCE AND TAXATION

**BEFORE
HONOURABLE MR. JUSTICE NELSON SAILO**

ORDER

Date : --13.11.2024

Heard Mr. A. Chowdhury, learned senior counsel assisted by Ms. B. Chowdhury for the petitioner who submits that the petitioner was appointed as Inspector of Taxes after undergoing the rigours of selection process.

2. On account of certain allegations a One Man Enquiry Commission was constituted presided upon by a retired Judge of this Court. The One Man Enquiry Commission upon scrutiny of the documents concerned, detected certain anomaly and for which, persons who were found to be involved in such anomaly were given a notice including the petitioner on 13.08.2021. The same was responded to by the petitioner by submitting her reply on 23.08.2021. While the matter rested at that, the respondent authority concerned at a much later point of time on 30.11.2023 suspended the petitioner from service by issuing a Notification while also issuing a separate show cause notice incorporating the statements of allegations, list of documents and witnesses etc.

3. The learned senior counsel submits that the very initiation of the enquiry against the petitioner is void in law on account of gross violation of Section 8-B and 8-C of the Commissions of Inquiry Act, 1952. Therefore, the proceedings initiated against the petitioner should be set aside. He further submits that pending disposal of the writ petition, the petitioner should be given protection by this Court as the petitioner is undergoing immense pressure and inconvenience in the ongoing enquiry.

4. Having regard to the above projection, the matter needs to be examined by

this Court and for which, let a notice be issued, returnable by 3 (three) weeks.

5. Mr. B. Choudhury, learned State Counsel accepts notice on behalf of respondent No. 2, 3 & 4 and Ms. M. Bhattacharjee, learned Additional Senior Government Advocate accepts notice on behalf of respondent no. 1. As such notice to the respondents is complete. Petitioner shall however serve requisite extra copies of the writ petition to the learned counsels appearing for the respondents today.

6. Also issue notice on the interim prayer making it returnable by **06.12.2024**. The learned counsel appearing for the respondents shall obtain instructions on the interim prayer made so that the same can be considered on the returnable date.

JUDGE

Comparing Assistant