

GAHC010238672024



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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

06.12.2024

Heard Mr. A. Choudhury, learned Senior Counsel assisted by Ms. B. Choudhury, learned counsel for the petitioner, who submits that pursuant to the notice issued by this Court on 13.11.2024, the respondent authorities have proceeded to issue a notice to the petitioner for her appearance in the departmental proceeding being initiated against her compelling the petitioner to file I.A.(C) No. 3612/2024. Since the returnable date of the notice issued on 13.11.2024 was 06.12.2024, protection has been granted to the petitioner till today in the said I.A. vide order dated 25.11.2024.

The learned Senior Counsel submits that since there has been gross violation of Section 8B and 8C of the Commission of Enquiry Act, 1952, the impugned notification dated 30.11.2023 and the show cause notice dated 30.11.2023 (Annexure A & B) should be set aside.

Mr. B. Choudhury the learned State Counsel submits that he has been instructed to seek further 4 (four) weeks time so that the Department can file appropriate affidavit-in-opposition. In so far as the records of the one-man enquiry commission is concerned, he submits that the same is in the custody of the Home and Political Department.

In view of the above, further 4 (four) weeks time is granted to the respondent for filing their counter affidavit.

Having regard to the projection made, this Court is inclined to stay the notification dated 30.11.2023 (Annexure A) and the show cause notice dated

30.11.2023 (Annexure – B) till the next returnable date.

Mr. R. Dhar, learned State Counsel appearing for the Home and Political Department shall produce the relevant records including the one man enquiry commission report by the next date.

List the matter again on 07.01.2025.

JUDGE

Comparing Assistant