

GAHC010240122024



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

Case No. : WP(C)/5971/2024

SAURAV PRAN SHARMA
S/O SURESH CH. SHARMA, RESIDENT OF BARPETA ROAD, WARD NO. 2,
RAMAKRISHNA CENTRE ROAD, PO BARPETA ROAD, PS AND DIST
BARPETA, ASSAM 781315

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, EXCISE DEPARTMENT, DISPUR GUWAHATI 781006

2:THE COMMISSIONER AND SECRETARY
TO THE GOVT. OF ASSAM
EXCISE DEPARTMENT
DISPUR GUWAHATI 781006

3:THE SECRETARY
TO THE GOVT. OF ASSAM
EXCISE DEPARTMENT
DISPUR GUWAHATI 781006

4:THE SECRETARY
TO THE GOVT. OF ASSAM
PERSONNEL DEPARTMENT
DISPUR GUWAHATI 781006

5:THE JOINT SECRETARY
TO THE GOVT. OF ASSAM
EXCISE DEPARTMENT
DISPUR GUWAHATI 781006

6:THE INQUIRY OFFICER

ASSAM SECRETARIAT (CIVIL) DISPUR GUWAHATI 78100

Advocate for the Petitioner : MR. N K KALITA,

Advocate for the Respondent : GA, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

Date : 29-11-2024

Heard Mr. N.K. Kalita, learned counsel for the writ petitioner. Also heard Ms. M. Bhattacharjee, learned Addl. Sr. Govt. Advocate, Assam.

I have perused the averments made in the writ petition.

The question of law raised in this writ petition is as to whether, a departmental proceeding and criminal trial, if based on the same charge, same set of facts and sought to be established by the same set of witnesses, can proceed simultaneously?

It is submitted that the said issue is *sub-judice* in writ petitions pending before this Court.

Issue notice of motion returnable in 03 weeks.

Since Ms. Bhattacharjee has accepted notice on behalf of respondent Nos. 1, 4 and 6 and Mr. P.N. Goswami, learned standing counsel, Excise Department, Assam has accepted notice on behalf of respondent Nos. 2, 3 and 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

departmental counsel.

On the request of learned counsel for both the sides, let this writ petition be listed along with W.P.(C) No. 5768/2024.

As an *ad-interim* measure, it is provided that further proceeding in the departmental enquiry *qua* the writ petitioner shall remain stayed until further order(s).

JUDGE

GS

Comparing Assistant