

GAHC010238672024



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

Linked Case : **WP(C)/6191/2024**

JAYANTA DOLEY
S/O LOLSING DOLEY
R/O HOUSE NO. 115
SUSHILA PATH
KAINADHARA
UDAYNAGAR
KHANAPARA
GUWAHATI-781022

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO THE
GOVERNMENT OF ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI-781006

2:THE COMMISSIONER AND SECRETARY
GOVERNMENT OF ASSAM
FINANCE (TAXATION) DEPARTMENT
DISPUR
GUWAHATI-781006

3:THE SECRETARY TO GOVERNMENT OF ASSAM
FINANCE DEPARTMENT
DISPUR
GUWAHATI-781006

4:THE ADDITIONAL SECRETARY TO THE GOVERNMENT OF ASSAM
FINANCE (TAXATION) DEPARTMENT
DISPUR

GUWAHATI-781006

Advocate for : MR A CHOWDHURY

Advocate for : GA

ASSAM appearing for THE STATE OF ASSAM AND 3 ORS

**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 there has been gross violation of Section 8B and 8C of the Commission of Enquiry Act, 1952 and therefore, 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