

GAHC010238672024



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

Case No. : 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 N. UNNI KRISHNAN NAIR**

ORDER

Date : 10-01-2025

Mr. A Chowdhury, learned senior counsel assisted by Ms. B Chowdhury, learned counsel along with Mr. S Dutta, learned counsel for the petitioner, submits that inspite of the fact that the orders impugned, including the order of suspension dated 30.11.2023, having been stayed by this Court vide the order dated 06.12.2024 and the same having been apprised to the respondent authorities, the petitioner herein has not been allowed to resume his services.

2. Mr. D Nath, learned counsel submits that he be granted 3 (three) weeks' time to file his affidavit on behalf of the respondent No. 1 in the matter.

3. Mr. B Choudhury, learned Standing Counsel, Finance Department submits that in view of the fact that vide order dated 06.12.2024, this Court while staying the operation of the order of suspension dated 30.11.2023, as well as the show cause notice issued to the petitioner herein also dated 30.11.2023, had not passed any orders towards directing the respondent authorities to permit the petitioner to resume his services, the respondent authorities were not in a position to permit the petitioner to resume his services. The above submission of Mr. B Choudhury is clearly not acceptable, inasmuch as, the order of suspension dated 30.11.2023 having been stayed by this Court, the natural corollary would be that the petitioner continues to remain in service as before. Accordingly, the respondent authorities in the Finance

Department are directed to take steps for issuance of consequential orders towards permitting the petitioner to resume his services. However the place of posting of the petitioner on such resumption of service by him would be the one as decided by the departmental authorities.

4. Mr. B Choudhury, learned Standing Counsel, Finance Department further submits that he be granted 3 (three) weeks' time to place the stand of the Department by way of filing an affidavit in the matter.

5. Prayer is accepted.

6. Registry to list this matter again on **19.02.2025**.

7. Petitioner also may file his rejoinder in the matter, in the event the affidavits are so filed by the respondents.

8. Consequential orders as would now be called for in pursuance to the directions passed by this Court, vide order dated 06.12.2024 shall be issued by the respondent authorities within a period of 1 (one) week from today.

9. The interim order passed by this Court vide order dated 06.12.2024 shall continue until further orders.

JUDGE

Comparing Assistant