

GAHC010252172025



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

Case No. : Cont.Cas(C)/602/2025

PINUEL BASUMATARY
SON OF LATE KRISTODAS BASUMATARY, RESIDENT OF NO. 1, SAPKHAITI,
UDALGURI, BTR, ASSAM -784509

VERSUS

SHANTANU GOTMARE, IAS AND 3 ORS
COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF ASSAM,
ADMINISTRATIVE REFORMS AND TRAINING DEPARTMENT, DISPUR,
GUWAHATI - 781006.

2:SHANTANU GOTMARE
IAS
THE SECRETARY
THE PENSION AND PUBLIC GRIEVANCE DEPARTMENT
DISPUR
ASSAM
GUWAHATI - 781006

3:GAURAV KUMAR
IAS
THE ACCOUNTANT GENERAL (A AND E)
ASSAM
MAIDAMGAON
BELTOLA
GUWAHATI- 781029.

4:JAYANT NARLIKAR
IAS
THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF ASSAM
FINANCE (EC-III) DEPARTMENT
DISPUR

ASSAM
GUWAHATI - 781006

Advocate for the Petitioner : MR B D DAS, MR J LOTHAN,MR H K SARMA

Advocate for the Respondent : MR. B GOGOI (R-4), MR. MR. D NATH SR. GA, ASSAM,GA,
ASSAM,MS. U SARMA,R M BAROOAH(R-4),MR P NAYAK(R-4),MR A CHALIHA(R-4)

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

07.04.2026

Heard Mr. BD Das, learned Senior Counsel assisted by Mr. J Lotha, learned counsel for the petitioner. Also heard Mr. D Nath, learned Senior Government Advocate, Assam, Mr. RK Talukdar, learned counsel for the respondent no.3 and Mr. A Chaliha, learned counsel for the respondent no.4.

2. The grievance of the petitioner is that the order dated 28.06.2024 passed in WP(C) No.5578/2023 has not been complied with till date.

3. Mr. D Nath, learned Senior Government Advocate, Assam has placed before the Court that the instructions have been received which shows that the respondent no.1, who is also arrayed as the respondent no.2 has been on leave as per official records with effect from 02.02.2024 till 31.05.2026. The learned counsel for the respondents submits that the successor officer joined office on 15.12.2025 but he was not immediately made aware of the order passed by the

Court. Mr. D Nath further submits that although an SLP has been preferred before the Apex Court, no specific order has been passed thereon. Nevertheless, he prays for 2 (two) weeks' further time to complete all his instructions and apprise the Court on the next date fixed.

4. Mr. BD Das, learned Senior Counsel assisted by Mr. J Lotha, learned counsel for the petitioner has pressed into service the judgment of the Apex Court rendered in *TN Godavarman Thirumulpad vs. Ashok Khot* and Another reported in (2006) 5 SCC 1 to submit that the action of the respondents are nothing but willful and deliberate disobedience of the directions contained in the order dated 28.06.2024 passed in WP(C) No.5578/2023 and which is contumacious in nature and therefore, appropriate proceedings be drawn up under the Contempt of Courts Act, 1971 read with Guwahati High Court Contempt of Courts Rules. Mr. BD Das has also pressed into service the judgment of the Apex Court rendered in *Israr Ahmad Khan vs. Amarnath Prasad and Others* reported in 2026 SCC OnLine SC 322.

5. These submissions of the respective counsels have been taken note of. as a matter of last chance, this Court permits the respondents to apprise the Court with regard to the compliance of the directions contained in the order

28.06.2024 passed in WP(C) No.5578/2023 which stood affirmed by order passed in WA No.357/2024 on 21.08.2025.

6. Let this matter be listed on 27.04.2026.

7. It is made clear that in the event the instructions as directed to be placed before the Court are not available, the Court may proceed to pass appropriate consequential order.

JUDGE

Comparing Assistant