

WP(C) 4833/2017
BEFORE
HON'BLE MR. JUSTICE ARUP KUMAR GOSWAMI

Heard Ms. P. Bhattacharya, learned counsel appearing for the writ petitioner. Also heard Mr. T. C. Chutia, learned State counsel, appearing for respondent Nos. 1 and 2.

When the matter was listed on 11.08.2017, this Court considered it appropriate to direct the petitioner to serve a copy of the writ petition to the Golaghat Municipal Board, represented by its Chairman, by way of Dasti and, after such service, an affidavit was also directed to be filed.

Golaghat Municipal Board, represented by its Chairman, is respondent No. 3 and the Chairman, Golaghat Municipal Board is arrayed as respondent No. 4. The petitioner has filed an affidavit evidencing service of notice on respondent Nos. 3 and 4.

There is no appearance on behalf of respondent Nos. 3 and 4.

Drawing attention of the Court to the resolution of the General Meeting of the Golaghat Municipal Board, held on 09.11.2016, Ms. Bhattacharya submits that the petitioner, who is an electrician, was regularized in service with effect from 01.08.2014. The petitioner was arrested in connection with Golaghat P.S. case No. 3336/2017, under Section 447/427 IPC, and was released on bail, on the very same date of arrest, as the offences alleged are bailable in nature. Subsequent thereto, by the impugned order dated 25.07.2017, showing the petitioner to be a temporary employee, he was released from service of the Golaghat Municipal Board on the ground that he had been arrested by the police, submits Ms. Bhattacharya.

It is contended by Ms. Bhattacharya that the impugned order is not sustainable in law as the order was passed in gross violation of the principles of natural justice and without any enquiry.

Issue notice of motion, returnable in three months.

No formal steps are called for with regard to respondent Nos. 1 and 2 as they are duly represented. However, extra copies be served upon the learned State counsel.

As the respondent Nos. 3 and 4 have not entered appearance despite service of notice, the petitioner will take fresh steps for service of notice upon respondent Nos. 3 and 4 by registered post with A/D.

Upon hearing the learned counsel for the parties, I am of the prima facie opinion that a case for interim suspension of the impugned order dated 25.07.2017 is made out.

Accordingly, the impugned order dated 25.07.2017 is suspended and the respondents are directed to allow the petitioner to resume his duties until further order.