GAHC010017052018



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

Case No.: WP(C) 698/2018

1:ANJUSREE DEKA @ ANJU DEKA BORKAKOTI H/N-63, HAPPY VILLA, PS- LATASIL, KAMRUP(M), ASSAM

VERSUS

1:THE ASSAM KHADI AND VILLAGE INDUSTRIES BOARD GUWAHATI

2:THE CHIEF EXECUTIVE OFFICER
ASSAM KHADI AND VILLAGE INSDUSTRIES BOARD

3:THE SENIOR FINANCE AND ACCOUNTS OFFICER ASSAM KHADI AND VILLAGE INDUSTRIES BOARD

4:CHIEF EXECUTIVE OFFICER ASSAM KHADI AND VILLAGE INDUSTRY BOARD GUWAHAT

Advocate for the Petitioner : MR N N UPADHYAYA

Advocate for the Respondent: SC, ASSAM KHADI AND VILLAGE INDUSTRIES BOARD

BEFORE HONOURABLE MR. JUSTICE NELSON SAILO

ORDER

Date: 18-09-2018

Heard Mr. R Dhar, the learned counsel for the petitioner and Mr. SK Chakraborthy, the learned counsel appearing for the respondent Nos. 1, 2 and 3.

By filing this writ petition, the petitioner has challenged the office order dated 25.01.2018 by which the private respondent No.4 admittedly junior to the petitioner has been allowed to perform the duties as Registrar-in-charge of Assam Khadi and Village Industries Board.

Mr. R Dhar, the learned counsel by referring to the gradation list dated 05.12.2003, submits that the petitioner is senior to the respondent No.4 in service in the rank of LD Assistant and therefore respondent No.4 could not have been kept as Registrar –in-charge.

It may be noticed that the post of Registrar is equivalent to the post of Superintendent as per the draft Service Rule of the respondent department as produced by the petitioner's counsel. Admittedly, the post of Registrar is to be filled up amongst eligible candidates in the post of Assistant Superintendent. As can be seen, the petitioner herself is functioning as the Assistant Superintendent on in-charge basis vide order dated 13.05.2016. Her substantive post otherwise is the post of Upper Division Assistant. Therefore, the question is as to whether the petitioner can raise any grievance against the filling up of the post of Registrar on in-charge basis by a person who is junior to her in service, such as respondent No.4.

Mr. R Dhar submits that he will obtain instruction from his client and that the matter be posted on 21.09.2018.

In view of above, list the case on 21.09.2018.

Comparing Assistant