

GAHC010059862023



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

Case No. : WA/159/2023

RAM CHANDRA PAUL
S/O LATE ARUN CHANDRA PAUL, VILL.- SRIKONA, P.O. SILCHAR, DIST.
CACHAR, ASSAM- 788004, TAPANG DEVELOPMENT BLOCK.

VERSUS

THE STATE OF ASSAM AND 3 ORS. B
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT, DISPUR,
GUWAHATI - 781006.

2:THE PROJECT DIRECTOR

DRDA
CACHAR
SILCHAR
ASSAM- 788004.

3:THE DEPUTY COMMISSIONER

SILCHAR.

4:THE BLOCK DEVELOPMENT OFFICER

TAPANG DEVELOPMENT BLOCKS
TAPANG
DIST.- CACHAR
ASSAM

Advocate for the Petitioner : MR M J QUADIR

Advocate for the Respondent : GA, ASSAM

Linked Case : WA/174/2023

ABHISHEK BHATTACHARJEE
S/O- SRI SUBIR BHATTACHARJEE R/O 28 ARABINDA ROAD
SUBHASH NAGAR
P.O.- SILCHAR
DIST.- CACHAR
ASSAM
PIN- 788004.

VERSUS

THE STATE OF ASSAM AND 3 ORS. A
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM
PANCHAYAT AND RURAL DEVELOPMENT DEPTT.
DISPUR
GUWAHATI- 6.

2:THE PROJECT DIRECTOR
DRDA
CACHAR
SILCHAR
ASSAM-788004

3:THE DEPUTY COMMISSIONER
CACHAR
SILCHAR.

4:THE BLOCK DEVELOPMENT OFFICER
BINNAKANDI DEVELOPMENT BLOCK
BINNAKANDI
DIST.- CACHAR
ASSAM.

Advocate for : MR M J QUADIR
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND 3 ORS. A

**BEFORE
HONOURABLE THE CHIEF JUSTICE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

24.04.2024

(Vijay Bishnoi, CJ)

These writ appeals are filed on behalf of the appellants being aggrieved with the order dated 22.12.2021 passed in WP(C) No.2988/2018 whereby, the writ petition filed by the appellants has been dismissed. The appellants have approached this Court by filing the above referred writ petition challenging the action of the respondents of discontinuing their contractual engagement.

The learned Single Judge was of the view that the engagement of the appellants were for a temporary period and during the pendency of the writ proceedings, the period of engagement of the writ petitioners had already expired and no fresh engagement order was issued in favour of the writ petitioners. The learned Single Judge has observed that the law is well settled that the court cannot direct the parties to enter into a fresh contract when the matter is governed by contractual liabilities. The learned Single Judge has placed reliance on a judgment passed by a coordinate Bench in **Ajay Kumar Haloi Vs. State of Assam** reported in **MANU/GH/0309/2014**.

2. It appears that being aggrieved with the judgment dated 22.12.2021 the appellants had preferred a review petition before the learned Single Judge which came to be dismissed on 14.02.2023. The learned Single Judge while dismissing the review petition has observed that the cases relied upon by the appellants i.e. WP(C) No.1964/2020 (Sanjoy Kairi Vs. State of Assam and others)

decided on 29.01.2021 and WP(C) No.8618/2018 (Surojit Roy Vs. State of Assam and others) decided on 09.12.2020 are clearly distinguishable because in those cases the termination orders were stigmatic and were passed by the employer without providing any opportunity of hearing whereas, in the case of the appellants, the order of discontinuance of their contractual engagement cannot be said to be stigmatic.

3. The learned counsel for the appellants has placed reliance on the decision of this Court in the case of **Mrigen Kalita Vs. North East Regional Institute of Parliamentary Studies Training and Research and others** reported in **2012 (4) GLT 686** and has submitted that in similar situation this Court has granted indulgence and has set aside the termination order while treating them as stigmatic. The learned counsel has further submitted that the order of discontinuation of the appellants is stigmatic and therefore, the same is also liable to be set aside.

4. The learned counsel appearing for the respondents has opposed the writ appellants.

5. Having heard the learned counsel for the parties and after going through the order dated 14.06.2017 whereby the services of the appellants have been discontinued, we are of the view that the said order cannot be termed as stigmatic because the contractual engagement of the appellants has been discontinued on account of serious anomalies noticed in financial year 2014-15 and 2015-16 regarding pending liability of material component of MGNREGA. It is clear that the order of discontinuation of contractual engagement of the appellants is not stigmatic. Hence, the judgments on which the learned counsel for the appellants has placed reliance are of no help to the

appellants.

6. Having gone through the materials on record, we are of the view that no case for interference is made out. The Writ Appeals are, therefore, dismissed.

JUDGE

CHIEF JUSTICE

Comparing Assistant