

GAHC010061122023



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

Case No. : WP(C)/1625/2023

NARAYAN CHANDRA DE
S/O- LATE GOPAL CHANDRA DE, R/O- KALAPAHAR, GUWAHATI, DIST.
KAMRUP(M), ASSAM, PIN- 781032.

VERSUS

THE STATE OF ASSAM AND 2 ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, PUBLIC WORKS DEPARTMENT (BUILDING
AND NATIONAL HIGHWAY), DISPUR, GUWAHATI-781006.

2:THE DEPUTY SECRETARY TO THE GOVERNMENT OF ASSAM
PUBLIC WORKS DEPARTMENT (BUILDING AND NATIONAL HIGHWAY)
DISPUR
GUWAHATI-781006.

3:THE CHIEF ENGINEER
PUBLIC WORKS DEPARTMENT (BUILDING AND NATIONAL HIGHWAY)
CHANDMARI
GUWAHATI-781003

Advocate for the Petitioner : MR. U K NAIR

Advocate for the Respondent : SC, PWD

BEFORE
HON'BLE MR. JUSTICE LANUSUNGKUM JAMIR
ORDER

08.04.2024

Heard Mr. A. Chakraborty, learned counsel for the petitioner. Also heard Mr. R. Dhar, learned Standing Counsel, PWD, for all the respondents.

2. The present writ petition has been filed with the following prayers:-

“In the premises aforesaid, it is most humbly prayed that Your Lordships may be pleased to issue Rule, Call for the records and upon hearing the parties as to the cause and/or causes and on perusal of the records be pleased to grant the petitioners the following relief/reliefs:

(i) To issue a writ in the nature of Certiorari and/or any other writ, order or direction of like nature towards setting aside the show cause notice dated 03.06.2020 (Annexure-A/2).

(ii) To issue a writ in the nature of Certiorari and/or any other writ, order or direction of like nature towards setting aside the show cause notice dated 29.06.2021 (Annexure-A/6) thereby initiating departmental proceedings against the petitioner in pursuance to the show cause notice dated 03.06.2020 (Annexure-A/2).

(iii) To issue a writ in the nature of Certiorari and/or any other writ, order or direction of like nature towards directing the respondent authorities to regularize the period under which the petitioner was in suspension, i.e., 05.03.2020 to 10.01.2023 as period on duty with all consequential benefits of pay, seniority etc.

(iv) To issue a writ in the nature of Certiorari and/or any other writ, order or direction of like nature towards directing the respondent authorities to finalize the pension and pensionary benefits due and payable to the petitioner by regularizing the period of his suspension in terms of prayer (iii) made hereinabove and pay the same to the petitioner upon his superannuation on 31.03.2023.

(v) And/or pass such further order/orders as Your Lordships may deem fit and proper in the facts and circumstances of the case.”

3. During the course of the argument, it has been brought to the notice of this Court that a Disciplinary Proceeding was initiated against the petitioner and the State Enquiry Officer has submitted a report on 30.03.2024.

4. Mr. A. Chakraborty, learned counsel for the petitioner, submits that he has received a copy of the enquiry report submitted by the State Enquiry Officer.

5. Considering the fact that the enquiry report has already been submitted by the State Enquiry Officer, this writ petition is disposed of without entering into the merits with a direction to the departmental authorities to come to a logical conclusion with regard to the Disciplinary Enquiry inasmuch as the State Enquiry Officer has submitted its report.

6. Let such exercise be completed as expeditiously as possible, but not later than two months from the date of receipt of a copy of this order.

7. With the above observations and directions, this writ petition is disposed of.

JUDGE