

GAHC010024982024



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

Case No. : WP(C)/670/2024

RUPJYOTI BHUYAN
SON OF LATE J.N. BHUYAN, RESIDENT OF TARAZAN, D.C.B. ROAD, P.O.
AND P.S. JORHAT, ASSAM, PIN- 785001

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT OF
ASSAM, ASSAM SECRETARIAT, DISPUR, GUWAHATI- 781006, ASSAM

2:THE SPECIAL COMMISSIONER AND SPECIAL SECRETARY
TO THE GOVERNMENT OF ASSAM
PUBLIC WORKS DEPARTMENT
DISPUR
GUWAHATI- 781006
ASSAM

3:THE SECRETARY
PUBLIC WORKS (ROADS) DEPARTMENT
GOVERNMENT OF ASSAM
DISPUR
GUWAHATI- 781006
ASSAM

4:THE DEPUTY SECRETARY TO THE GOVERNMENT OF ASSAM
PUBLIC WORKS (ROADS) DEPARTMENT
ESTABLISHMENT-B BRANCH
DISPUR- 781006
ASSA

Advocate for the Petitioner : MR. M K CHOUDHURY

Advocate for the Respondent : GA, ASSAM

BEFORE
HON'BLE MR. JUSTICE LANUSUNGKUM JAMIR
ORDER

23.02.2024

Heard Mr. M.K. Choudhury, learned Senior counsel, assisted by Mr. B. Borah, learned counsel for the petitioner. Also heard Mr. R. Dhar, learned Additional Senior Government Advocate, Assam for all the respondents.

2. The petitioner along with nine others was initially appointed on recommendation of the APSC as Junior Engineer (Civil) under the Public Works Department, Assam by a Notification dated 29.09.2005. Thereafter, the petitioner applied for study leave for pursuing the course of B. Tech (Civil) which was permitted by a Notification dated 25.10.2017. Thereafter, the petitioner completed his B. Tech in the year 2020. The petitioner accordingly made a representation for promotion to the post of Assistant Engineer in terms of Rule 11 of the Assam Engineering (Public Works Department) Service Rules, 1978. Consequently, by Notification dated 24.05.2022, the petitioner was promoted and allowed to officiate as Assistant Engineer (Civil), PWD.

3. Grievance of the petitioner is that his promotion to the post of Assistant Engineer (Civil), PWD should be with retrospective effect, i.e., with effect from 09.11.2020 on which date he applied for promotion. To that effect, the petitioner has also made a representation dated 29.06.2023 addressed to the Special Commissioner and Special Secretary to the Government of Assam, PWD/respondent No.2. The said representation is yet to be considered and disposed of till date.

4. Accordingly, this writ petition is disposed of directing the respondent No.2 to consider and dispose of the representation dated 29.06.2023 made by the petitioner as per Assam Engineering (Public Works Department) Service Rules, 1978 and in accordance with law within a period of two months from the date of receipt of the copy of the order of this Court.
5. With the above observations and directions, this writ petition is disposed of.

JUDGE

Comparing Assistant