

GAHC040001542023



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

Case No. : IA(C) 29/2023

1:Rimmar Taso
S/o Late Tarik Taso,
Presently serving as Superintending Engineer, Office of Chief Engineer, CSQ, Public
Works Department, Nirman Bhawan, Arunachal Pradesh, Itanagar.
Phone No. 09774676348

VERSUS

1:THE STATE OF AP and 2 Ors.
Represented by the Chief Secretary cum Chairman for Departmental Promotion
Committee convened on 23.10.2019

2:The Commissioner
Public Works Department
Govt. of Arunachal Pradesh
Itanagar.

3:The Departmental Promotion Committee
convened on 23.10.2019 represented by Chief Secretary
Govt. of Arunachal Pradesh

Advocate for the Petitioner : Limi Bam

Advocate for the Respondent : GA (AP)

Linked Case : WP(C) 82/2020

1:Rimmar Taso

S/o Late Tarik Taso
aged about 53 years
C/o Office Chief Engineer
Central zone-B
PWD
Govt. of AP
Itanagar

VERSUS

1:THE STATE OF AP and 2 Ors.
represented by the Chief Secretary-Cum-Chairman for Departmental promotion
committee convened on 23.10.2019

2:The Commissioner
PWD
Govt. of AP
Itanagar

3:The Departmental Promotion committee
convened on 23.10.2019 represented by the Chief Secretary
Govt. of AP
Itanagar

Advocate for the Petitioner : Rintu Saikia
Advocate for the Respondent : GA (AP)

BEFORE
HONBLE MR. JUSTICE NANI TAGIA

ORDER

Date : 06-03-2023

Heard Mr. R. Saikia, learned counsel for the petitioner and Mr. S. Tapin, learned Senior Govt. Advocate for the State respondents.

This writ petition is directed against the Departmental Promotion Committee(DPC) held on 23.10.2019, for promotion to the post of Superintending Engineer in the Public Works Department, Govt. of Arunachal Pradesh from the post of Executive Engineer. In the Departmental Promotion Committee held on 23.10.2019, the recommendation of the petitioner by the DPC was kept in sealed cover, on the ground that no vigilance clearance from the Vigilance Department

have been received in respect of the petitioner.

The State respondents have filed the counter-affidavit contesting the case.

The petitioner, in the meanwhile, has filed an interlocutory application being IA(C) No.29(AP)2023, whereby a letter dated 16.09.2021, written to the Commissioner(PWD), Govt. of Arunachal Pradesh by the Chief Engineer(Vigilance & Training), Public Works Department, Govt. of Arunachal Pradesh, vide No.CEVT/Plg-03/2020-21, whereby the Chief Engineer(Vigilance & Training), PWD, Govt. of Arunachal Pradesh has recommended for closure of the complaint case against the petitioner and other 8(eight) officers named in the Enquiry Report. The petitioner has also enclosed a 'Peon book', annexed as Annexure-III series to the interlocutory application, to contend that a report of the SIC pertaining to the case registered against the petitioner, has been submitted to the Commissioner(Vigilance), Govt. of Arunachal Pradesh.

Under the aforesaid circumstances, the learned counsel for the petitioner contends that since no vigilance case against the petitioner is now pending, the recommendation of the petitioner for promotion to the post of Superintending Engineer in the DPC held on 23.10.2019, which was kept under sealed cover be directed to be opened.

Though various opportunities were granted to Mr. Tapin, learned Senior Govt. Advocate since 07.02.2023 to receive instruction in the matter of pendency or otherwise of a vigilance case against the petitioner, no such instruction has been received by Mr. Tapin, learned Senior Govt. Advocate from the respondent authorities.

A perusal of the 'Peon book', annexed as Annexure-III series to the interlocutory application, however, does not indicate in an unequivocal manner that the report of the SIC case against the petitioner has been submitted to the

Commissioner(Vigilance), Govt. of Arunachal Pradesh by the SIC.

In view of the above and considering the urgency expressed by the learned counsel for the petitioner, this interlocutory application as well as the writ petition are disposed of, with a direction to the Chief Secretary/Commissioner(Vigilance), Govt. of Arunachal Pradesh, to verify and examine the contention raised by the petitioner in the interlocutory application filed and act in accordance with law thereafter.

To enable the Chief Secretary/Commissioner(Vigilance), Govt. of Arunachal Pradesh to undertake the exercise as directed, the petitioner shall furnish a copy of this order along with a copy of the interlocutory application being I.A(C)29(AP)2023 along with annexures appended thereto, to the Chief Secretary/Commissioner(Vigilance), Govt. of Arunachal Pradesh.

The exercise directed as above, shall be completed by the Chief Secretary/Commissioner(Vigilance), Govt. of Arunachal Pradesh, within a period of 4(four) weeks from the date a copy of this Court's order along with a copy of I.A(C)29(AP)2023 and annexures appended thereto, are furnished to the Chief Secretary/Commissioner(Vigilance), Govt. of Arunachal Pradesh.

Accordingly, the interlocutory application as well as the writ petition stands disposed, in terms above.

Needless to say, it shall be open for the petitioner to approach this Court again, if the petitioner is aggrieved by the order that may be passed by the Chief Secretary/Commissioner(Vigilance), Govt. of Arunachal Pradesh.

JUDGE

Comparing Assistant