

GAHC010024022023



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

Case No. : WP(C)/952/2023

TILAK NATH@TILAK CH NATH
VILL- RAJAPUKHURI, P.O. GORUKHUTI, P.S. SIPAJHAR, DIST.- DARRANG,
PIN- 784145

VERSUS

THE STATE OF ASSAM AND 6 ORS
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM, PANCHAYAT
AND RURAL DEVELOPMENT DEPTT., DISPUR, GHY-06

2:THE CHIEF SECRETARY TO THE GOVT. OF ASSAM
PANCHAYAT AND RURAL DEVELOPMENT DEPTT.
DISPUR
GHY-06

3:THE DY. SECRETARY
PANCHAYAT AND RURAL DEVELOPMENT DEPTT.
DISPUR
GHY-06

4:THE DIRECTOR
PANCHAYAT AND RURAL DEVELOPMENT DEPTT.
ASSAM
PANJABARI
JURIPAR
GHY-781027

5:THE JOINT DIRECTOR
PANCHAYAT AND RURAL DEVELOPMENT DEPTT.
ASSAM

6:THE PROJECT DIRECTOR

D.R.D.A.
DARRANG
MANGALDOI
PIN- 781454

7:THE SENIOR BLOCK DEVELOPMENT OFFICER
SIPAJHAR DEVELOPMENT BLOCK
SIPAJHAR
PIN- 784145
DIST.- DARRANG
ASSA

Advocate for the Petitioner : MS. S B CHOUDHURY

Advocate for the Respondent : SC, P AND R.D.

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 22.02.2023

Heard Ms.S.B. Choudhury, the learned counsel appearing on behalf of the petitioner. Mr. S. Dutta, the learned the learned counsel appears on behalf of the respondent Nos. 1,3,4,5,6 & 7.

Mr. S. Dutta, the learned counsel appearing on behalf of the respondents submits that there is no post by the name of the respondent No.2-the Chief Secretary to the Government of Assam for the P & RD Department.

Taking into account the said submission, the name of the respondent No. 2 is therefore struck off.

The case of the petitioner in brief is that the petitioner has earlier approached this Court by filing a writ petition which was registered and numbered as W.P.(C) No. 6344/2015. This Court vide an order dated 5/12/2016 disposed off the said writ petition with a direction that the petitioner would file a

fresh representation and the respondent authorities, more particularly, the respondent No. 6, the Project Director, DRDA, Darrang, Mangaldoi would pass an order to the effect as to whether the petitioner is entitled to his wages for the period from January 2008 to December, 2009. It was further directed that the said respondent would pass a speaking order giving its reasons for the order. Further to that, it was also observed that the order to be passed by the Project Director would address the issue at hand and unlike the earlier order dated 24/2/2015.

Pursuant to the said order dated 5/12/2016, the petitioner submitted a representation on 7/2/2017. However, from the said representation which have been enclosed as Annexure-I to the writ petition, it appears that the same was submitted before the Director, Panchayat and Rural Development Department instead of the Project Director.

The learned counsel appearing on behalf of the petitioner submits that the representation ought to have been filed before the Project Director and the petitioner under a mistaken belief had filed it before the Director, Panchayat and Rural Development Department. Accordingly she submitted that she may be permitted to submit the representation in terms with the order dated 5/12/2016 passed in W.P.(C) No. 6344/2015 before the Project Director who is the respondent No. 6 in the instant proceedings.

Taking into account that there is a direction by this Court in the order dated 5/12/2016, this Court for the ends of justice also deems it proper that an opportunity should be given to the petitioner to submit the representation before the respondent No. 6 i.e. the Project Director, DRDA, Darrang, Mangaldoi. Accordingly, this Court therefore disposes of the writ petition with a direction that the petitioner, if so advised may submit a representation before

the Project Director, DRDA, Darrang, Mangaldoi in compliance to the order dated 5/12/2016 passed in W.P.(C) No. 6344/2015.

It is made clear that the petitioner has to submit the representation within a period of 15 days from the date of the instant order. Further to that, the Project Director, DRDA, Darrang, Mangaldoi upon receipt of the said representation within the time frame as stipulated above, shall dispose of the said representation in terms with the order dated 5/12/2016 expeditiously within a period of 2 months therefrom.

With the above observations and directions, the instant writ petition stands disposed off.

JUDGE

Comparing Assistant