

GAHC010049882023



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

Case No. : WP(C)/1320/2023

UTPAL GOSWAMI
S/O- LT. SARAT CHANDRA GOSWAMI, R/O- DEBANANDA SATRA, P.O.
HAZARIKA PARA, P.S. SIPAJHAR PIN- 784145, DIST.- DARRANG,
MANGALDOI ASSAM

VERSUS

THE STATE OF ASSAM AND 6 ORS
TO BE REP. BY THE CHIEF SECRETARY TO THE GOVT. OF ASSAM, DISPUR,
GHY-06

2:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
FINANCE DEPTT.
DISPUR
GHY-6

3:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
EDUCATION (ELEMENTARY) DEPTT.
DISPUR
GHY-6

4:THE DIRECTOR OF ELEMENTARY EDUCATION
ASSAM
KAHILIPARA
GHY-19

5:THE DISTRICT ELEMENTARY EDUCATION OFFICER
DARRANG
MANGALDOI- 784125
ASSAM

6:THE DY. INSPECTOR OF SCHOOLS

MANGALDOI- 784125
ASSAM

7:THE TREASURY OFFICER
MANGALDOI- 784125
ASSA

Advocate for the Petitioner : MR. N J GOGOI

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK**

ORDER

13.03.2023

Heard Mr. N J Gogoi, learned counsel for the petitioner and Mr. G Bokalia, learned Government Advocate, Assam for the respondent Nos. 1 & 6. Also heard Mr. B Koushik, learned Standing counsel, Department of School Education, Assam for the respondent Nos. 3, 4, 5.

Petitioner, a Junior Assistant in the Office of the District Elementary Education Officer (DEEO), Darrang, Mangaldai was placed under suspension by the Director of Elementary Education (DEE), Assam vide order dated 04.06.2012.

Later, by order dated 02.03.2013, the DEE, Assam reinstated the petitioner in service and posted him in the original place of posting with immediate effect.

Though in between by order dated 13.09.2013 issued by the DEE, Assam the petitioner was transferred and posted in the Office of the Deputy Inspector (DI) of Schools, Nalbari in the same capacity, but by another order dated 18.11.2013, the DEE, Assam again transferred him from the Office of the D.I. of Schools, Nalbari to the Office of the Block Elementary Education Officer, Dalgaon in the same capacity, where he is presently serving as a Junior Assistant.

It is stated that the petitioner submitted several representations before the Director of Elementary Education, Assam to regularize his suspension period from 04.06.2012 to 02.03.2013 and to pay him the unpaid subsistence allowances for the said period, but till

date, the representations filed by him have not been considered.

Petitioner further stated that his suspension period has not yet been regularized, for which he is not getting the benefit of annual increments.

After hearing the learned counsels for the parties and considering the entire aspect of the matter, the petitioner is directed to submit a fresh representation before the Director of Elementary Education, Assam, through the Block Elementary Education Officer, Dalgaon and the District Elementary Education Officer, Darrang, Mangaldai on or before **30.03.2023** along with a certified copy of this order, a copy of this writ petition including the Annexures appended thereto, stating his grievances regarding non-regularization of his suspension period from 04.06.2012 to 02.03.2013 and to pay him the unpaid subsistence allowances for the said period and his other grievances regarding non-payment of annual increments to him after his reinstatement in service vide order dated 02.03.2013 issued by the Director of Elementary Education, Assam.

In the event of filing such representation by the petitioner within the time so specified, the Director of Elementary Education, Assam on verification of the relevant records shall dispose of the same by a Speaking Order on or before 31.05.2023, after giving an opportunity of hearing to the petitioner, for regularization of his period of suspension, payment of unpaid subsistence allowances and the benefit of annual increments, as per his entitlement, in accordance with law, intimating the petitioner about the outcome of his said representation.

With the above observation and direction, this writ petition stands disposed of.

JUDGE

Comparing Assistant