

GAHC010171102023



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

Case No. : I.A.(Civil)/2273/2023

UNION OF INDIA AND 3 ORS
REPRESENTED BY THE SECRETARY, GOVT. OF INDIA, MINISTRY OF
HOME AFFAIRS, NEW DELHI-110001

2: THE DIRECTOR GENERAL SASHASTRA SEEMA BAL
EAST BLOCK-V
R.K. PURAM
NEW DELHI-110066

3: THE DY. INSPECTOR GENERAL SASHASTRA SEEMA BAL
SECTOR HEADQUARTERS RANGIA
ASSAM-781354

4: THE COMMANDANT (PERS.I)
OFFICE OF THE DIRECTOR GENERAL SASHASTRA SEEMA BAL
EAST BLOCK-V
R.K. PURAM NEW DELHI-11006

VERSUS

SHRI NABAJIT DAS,
S/O LATE BHURAM DAS, ASSISTANT ENGINEER GRADE-I, OFFICE OF DIG,
SECTOR HEAD QUARTER, SSB, RANGIA, ASSAM-781354

Advocate for the Petitioner : MRS. R DEVI

Advocate for the Respondent :

Linked Case : WP(C)/3004/2023

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Advocate for : MRS. R DEVI
Advocate for : appearing for SHRI NABAJIT DAS

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA
HONOURABLE MR. JUSTICE KARDAK ETE

ORDER

Date : 11-08-2023
(K.R.Surana,J)

Heard Mrs. R. Devi, learned CGC appearing for the applicant. This interlocutory application has been filed for issuance of appropriate directions.

2. The learned CGC has submitted that aggrieved by the order dated 03.01.2023 passed by the learned Central Administrative Tribunal, Guwahati Bench, Guwahati in M.A . No. 48/2022 in O.A. No. 109/2022 with the connected writ petition being WP(C)/3004/2023, was filed.

3. Accordingly, this Court on consideration of the fact that O.A. No. 109/2022 is in the hearing stage and the next date was fixed on 12.06.2023, the writ petition was disposed of by order dated 29.05.2023, by requesting the Central Administrative Tribunal, Guwahati Bench, Guwahati for finally hearing and to dispose of O.A. No. 109/2022 on the next date fixed for hearing, i.e., on 12.06.2023.

4. The learned CGC has submitted that on 12.06.2023, without assigning any reason whatsoever, the learned Central Administrative Tribunal, Guwahati Bench, Guwahati had adjourned the matter to 29.08.2023, and thereby violating this Court's order dated 29.05.2023, passed in the connected writ petition, being WP(C)/3004/2023.

5. The learned CGC has referred to the statement at para 5 of this

interlocutory application to project that the certified copy the order dated 29.05.2023, was submitted before the Registry of the Central Administrative Tribunal, Guwahati Bench, Guwahati ahead of the date of hearing, but the same was not considered.

6. As the learned CGC has submitted that the certified copy of the order dated 29.05.2023 was submitted before the Central Administrative Tribunal, Guwahati Bench, Guwahati, the adjournment of O.A. No. 109/2022 by an order dated 12.06.2023, merely by stating- "Adjourned to 29.08.2023" ex facie appear to be contemptuous. If the learned Central Administrative Tribunal, Guwahati Bench, Guwahati had any compelling reasons to adjourn the matter, this Court would have appreciated it if some reason was assigned to adjourn the matter. As no reason has been assigned to adjourn the matter to 29.08.2023, despite the order of this Court dated 29.05.2023 in the connected WP(C)/3004/2023, to adjourn the proceeding of O.A. No. 109/2022 on the drop of a hat is not at all appreciated, rather, the order appears to be contemptuous.

7. Be that as it may, in terms of the order passed on 29.05.2023, passed in WP(C)/ 3004/2023, we once again request the learned Central Administrative Tribunal, Guwahati Bench, Guwahati to hear and dispose of the O.A. No. 109/2022 on 29.08.2023, the date fixed by the order dated 12.06.2023, without adjourning the matter any further.

8. At this stage, the learned CGC has submitted that the respondent herein was transferred to Almora where there is an urgent requirement of personnel and therefore, the administration in

Sashastra Seema Bal is adversely effected due to lack of personnel at Almora.

9. We hope and trust that the learned Central Administrative Tribunal, Guwahati Bench, Guwahati shall take into consideration the said submission and hear and dispose the O.A. No. 109/2022 on 29.08.2023 i.e., the date fixed.

10. The Court is inclined to direct that the office of the Central Administrative Tribunal Guwahati Bench, Guwahati that on receiving a certified copy of this order, the office shall provide an acknowledgement of receipt to the learned CGC.

11. With the aforesaid observation, the interlocutory application stands disposed of.

JUDGE

JUDGE

Comparing Assistant