

GAHC010122332021



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

Case No. : WP(C)/4127/2021

BAKUL ROY
S/O LATE BIBHUTI BHUSAN ROY
R/O RAMKRISHNA NAGAR, J.E. (CIVIL), UNDER THE PATHOR KANDI AND
RATABARI, PWD, ROAD, DIVISION, RAMKRISHNA NAGAR, P.O. AND P.S.
RAMKRISHNANAGAR, DIST.KARIMGANJ, ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,
P.W.D. (ROADS) DEPARTMENT, ASSAM, DISPUR, GUWAHATI-781006

2:THE CHIEF ENGINEER

P.W.D. (ROADS)
ASSAM
CHANDMARI
GUWAHATI-781003.

3:EXECUTIVE ENGINEER

P.W.D (ROADS)
SOUTH
NORTH AND BODARPUR TERRITORIAL DIVISION
BODARPUR
DIST. KARIMGANJ
ASSAM-788710

4:SUPERINTENDING ENGINEER
P.W.D. (ROADS) CACHAR ROAD CIRCLE
SILCHAR
P.O.SILCHAR

DIST. CACHAR
ASSAM
PIN-78800

Advocate for the Petitioner : MR. S NATH

Advocate for the Respondent : SC, PWD

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

19.07.2023

Heard Mr. S. Nath, learned counsel for the petitioner and Mr. B. Choudhury, learned Standing Counsel, PWD for the respondent.

2. This writ petition has been filed by the petitioner praying for a direction to the respondents to provide for the financial benefits in the post of Junior Engineer (Civil) w.e.f. 31.05.1991 to 06.01.1998 considering the qualifications of Diploma in Civil Engineering and further to promote the petitioner to the post of Assistant Engineer (Civil) in PWD as he is the senior most Junior Engineer in the Department. The further prayer of the petitioner is for setting aside and quashing the seniority list of Junior Engineers published in the month of September, 2022 by Notification No. RBEB.195/2017/198.

3. Mr. S. Nath, learned counsel for the petitioner submits that although initially he made a prayer in the writ petition regarding the seniority list, therefore, he does not wish to press the prayer for setting aside of the seniority list is concerned as at present he is placed at Sl. No. 1 in view of the fact that persons who were placed above him had retired in the meantime. However, he is still aggrieved by non-consideration of his case for promotion to the post of Assistant Engineer (Civil) as well as denial of his financial benefits in the post of

Junior Engineer (Civil) w.e.f 31.05.1991 to 06.01.1998. Mr. Nath has referred to the representation dated 23.06.2021 which is addressed to the Commissioner and Special Secretary, Government of Assam, PWD, Dispur where he has ventilated his grievances. It is submitted that the said representation has not been disposed of as yet.

4. Mr. B. Chowdhury, learned Standing Counsel, PWD submits that the writ petition may be closed by directing the Department to dispose of the representation and to pass a speaking order.

5. In view of such submissions made by the learned Standing Counsel, PWD, which is not objected to by the learned counsel for the petitioner, this Court is of the view that the writ petition can be closed with a direction to Commissioner and Special Secretary, Government of Assam, PWD to look into the grievances of the petitioner as ventilated by the representation dated 23.06.2021.

6. Mr. Nath however submits that the said representation seeks redressal of his grievances and to grant the following prayers:

“1. Seniority in gradation list for promotion as A.E.(C).

2. 2 time scale benefit.

3. Loss of pay from my junior staff in whole life through gathered Diploma in Civil Engineering before entry into the service even after retirement also.”

7. Mr. Nath, however fairly submits that as on date he does not want redressal in respect of his prayer No. 1, namely, *Seniority in gradation list for promotion as A.E.(C)* as the petitioner's name is reflected at Sl. No. 1 of the seniority list and the department is likely to initiate the process for promotion to the next higher post namely, Assistant Engineer (Civil) shortly.

8. In that view of the matter, the writ petition stands closed directing the

Commissioner and Special Secretary, Government of Assam, PWD to look into the remaining grievances of the petitioner raised by his representation dated 23.06.2021 and thereafter, pass appropriate speaking order.

9. Before disposing the representation, the petitioner may be given an opportunity of being heard. Any speaking order that may be passed by the Department, a copy thereof will be served upon the petitioner.

10. The representation as directed is to be disposed of within a period of 60 days from the date of receipt of certified copy of this order.

11. With the above observation, the writ petition stands disposed of.

JUDGE

Comparing Assistant