

GAHC010126612014



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

Case No. : WP(C)/4531/2014

MD. ISMAHIL ALI
S/O LT. GIASHUDDIN, R/O SINGIMARI BORPANI JURIPAR, P.O. TINIALI, P.S.
KASUA, DIST- NAGAON, ASSAM

VERSUS

THE STATE OF ASSAM AND 6 ORS
REP. BY ITS PRINCIPAL SECY. TO THE GOVT. OF ASSAM, MINES AND
MINERALS DEPTT. DISPUR, GHY-6

2:THE ASSAM MINERAL DEVT. CORPN. LTD.
A COMPANY WHOLLY OWNED BY THE GOVT. OF ASSAM
REGD. OFFICE
KHANIJ BHAWAN
NEAR R.P. ROAD
DISPUR
GHY-6
ASSAM
REP. BY THE CHAIRMAN OF THE BOARD OF DIRECTORS

3:THE MANAGING DIRECTOR
THE ASSAM MINERAL DEVT. CORPN. LTD.
A COMPANY WHOLLY OWNED BY THE GOVT. OF ASSAM
REGD. OFFICE
KHANIJ BHAWAN
NEAR R.P. ROAD
DISPUR
GHY-6

4:THE OFFICER IN CHARGE
LIMESTONE MINING PROJECT

A.M.D.C.
UMRANGSHU
18 K.M.
DIST- DIMA HASAO

5:THE SENIOR MINES FOREMAN
LIMESTONE MINING PROJECT
A.M.D.C.
UMRANGSHU
18 K.M.
DIST- DIMA HASAO

6:P. KEMPRAI
ENQUIRY OFFICER
LIMESTONE MINING PROJECT
A.M.D.C.
UMRANGSHU
18 K.M.
DIST- DIMA HASAO

7:P.K. DUTTA
ENQUIRY OFFICER
LIMESTONE MINING PROJECT
A.M.D.C.
UMRANGSHU
18 K.M.
DIST- DIMA HASA

Advocate for the Petitioner : MD.M U AHMED

Advocate for the Respondent : MR.I F ALI

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

Date of hearing : 23.02.2023

Date of Judgment : 30.06.2023

JUDGMENT AND ORDER (CAV)

Heard Md. M.U. Ahmed, learned counsel for the petitioner. Also heard Mr. M.D. Borah, learned counsel for the respondent no.1 and Mr. P.K. Munir, learned counsel for the respondent nos. 2 & 3.

2. The brief facts of the case are that the petitioner was appointed as a Security Guard in the Limestone Mining Project, Umrangshu under the Assam Mineral Development Corporation Ltd. on 22.06.2000. The petitioner pursuant to his appointment joined his duties on 20.07.2000 and since then he has been discharging his duties without any blame or blemish till his removal from service by the respondent authorities. While he was serving as a Security Guard in the Corporation, a Notice No. AMDC/LMP/M/18/Pt.11/21 dated 04.01.2014 was served on the petitioner inviting explanation in writing within 24 hours. The petitioner submitted his explanation in writing. However, the Disciplinary Authority not being

satisfied with the explanation furnished by the petitioner, proceeded to draw up Departmental proceedings against the petitioner. A Show Cause notice dated 07.01.2014 vide Office Reference No. AMDC/ET/77/Pt-I/1245 purportedly issued under Rules 7 and 9 of the Assam Services (Discipline & Appeal) Rules, 1964 read with Article 311 of the Constitution of India along with the statements of allegations and asking the petitioner to submit his statement of defence within a period of 15 days. In the statement of allegations, the following charges were framed against the petitioner.

“STATEMENT OF ALLEGATION

On 03.01.2014 at about 3.20 P.M. one Mr. Ashim Choudhury, introduced himself as Media (Electronic) reporter, visited the Limestone Mining Project with his car. Shri Ismahil Ali, Security Guard of Limestone Mining Project accompanied the reporter in his Car and brought him inside the Project Campus to meet Shri Mintu Bora, Record Keeper. When Shri Jogat Bora, Security Guard on duty at the main gate, wanted to make entry the Car in the entry Register Shri Ali asked him not to do so saying that as he (Shri Ali) is with the reporter, entry is not necessary. The reporter then met Shri Mintu Bora and questioned him regarding non-payment of revised pay, 1996 and how Shri Durang joined his duties. Finding no satisfactory reply from Shri Bora the reporter left the project with Shri Ismahil Ali in his Car.

Thus by accompanying a media reporter inside the project campus without any authority and preventing to record the entry of an outside vehicle in the Gate Register of the project, Shri Ismahil Ali has violated all the office discipline and decorum which amounts to gross misconduct, indiscipline, violation of office decorum and lack of

integrity.

Sd/- Illegible'

3. The petitioner submitted his reply to the Show Cause notice, denying all the allegations leveled against him. After receipt of the explanation of the petitioner to the Show Cause issued on him, the Disciplinary Authority appointed two Enquiry Officers to enquire into the charges and the Enquiry Officers proceeded with the enquiry against the petitioner at Lanka Office of the Corporation in the District of Nagaon, Assam. It is submitted that no presenting Officer was appointed for presentation of the case on behalf of the respondent Authority and the two Enquiry Officers acted both as presenting Officer as well as the Enquiry Officers which, it is contended, is in complete violation of the service jurisprudence as well as being violative natural justice. Enquiry conducted held that all the charges are proved against the petitioner and it was held that he had violated the office discipline and decorum which amounts to gross misconduct, indiscipline, violation of official decorum and lack of integrity.

4. Pursuant to the enquiry conducted, an Enquiry report was submitted by the Enquiry Officers vide Enquiry report dated 31.03.2014, the petitioner was served with a notice vide Reference No. AMDC/ET/77/PT-1/46 Dated 23.04.2014 asking the petitioner to submit within seven days from receipt of the notice, any

representation that he wishes to make on the proposed penalty of termination from service on the basis of the evidence which was adduced during the enquiry. The petitioner submitted his representation before the Managing Director, AMDC Ltd. on 03.05.2014 denying all the allegations leveled against him. The Disciplinary Authority, thereafter, vide Office order No. AMDC/ET/77/Pt-1/337 dated 25.06.2014 terminated the service of the petitioner with immediate effect by holding that the petitioner was not fit to continue to serve in the Corporation as a Security Guard and thereby terminated him from service of the Assam Mineral Development Corporation Limited with immediate effect. Being aggrieved, the petitioner has filed this writ petition praying for setting aside of the impugned order No. AMDC/ET/77/Pt-1/337 dated 25.06.2014 issued by the Managing Director, Assam Mineral Development Corporation Limited as well as for granting him consequential benefits of service with effect from the date of the termination.

5. The learned counsel for the petitioner submits that the issue on the basis of which the departmental enquiry was conducted and consequent thereto by which the petitioner was terminated from service is an issue where the petitioner cannot at all be held responsible for. He is being made a scapegoat. The learned counsel for the petitioner submits that on 03.01.2014, while the petitioner was returning to his quarter situated in the LMP Campus

after attending his Friday prayers, he met a person who was known to be a media person/reporter of the local media house. Seeing the petitioner walking alone on the road, the said media person offered a lift in his personal car to the petitioner up to the LMP Campus. At the gate of the LMP Campus, the petitioner got down from the vehicle and the Security Guard who was on the duty at the relevant point in time permitted the media person to enter the campus along with his car. Upon an enquiry made by the said media person about the location of an employee, namely, Sri Mintu Bora, the petitioner had merely pointed out his quarter to the media person. It is the submissions of the petitioner that what transpired between the said Mintu Bora and the media person is not known to the petitioner. It is submitted that he is being made a victim of a well-planned and well-fabricated design of allegations prepared by Shri Jagat Bora, the Security Guard on duty and Sri Mintu Bora, the Record Keeper and other officials of LMP in order to cover their own misdeeds. It is submitted that the Disciplinary Authority has with a pre-determined mind instituted and proceeded with the enquiry and thereafter terminated the petitioner. The entire enquiry leading to the termination of the petitioner is in gross violation of the rules of natural justice as well as the procedure prescribed under the Assam Services (Discipline & Appeal) Rules, 1964. The punishment meted out to the petitioner is very harsh and without any basis. It is further submitted that although an

appeal has been preferred against the order of termination by the petitioner, the same has not been disposed of by the authority and which is also contrary to the procedure prescribed for disciplinary proceedings. Besides terminating the petitioner by order dated 01.07.2014, the petitioner was asked to vacate the quarter within the month of July, 2014 knowing fully well that the daughter of the petitioner were pursuing their studies at Umrangshu and it was in the middle of the academic year.

6. It is the further contention of the petitioner that during the disciplinary proceedings initiated pursuant to Show Cause notice dated 07.01.2014, no list of documents were furnished to the petitioner. That apart, the statements made by the witnesses against the petitioner were also not made available to the petitioner during the course of enquiry.

7. The petitioner also controverted the contentions made by the respondents by way of rejoinder-affidavit where he reiterated the contentions made in the writ petition. An additional affidavit was also filed by the petitioner to dispute the contentions of the respondents that the Principal Secretary to the Government of Assam, Department of Mines and Minerals is not the appellate authority. The petitioner disputes the contentions of the respondents that it is the Board of Directors of the Corporation who will be the appellate authority and not the Principal Secretary, Mines and Minerals Department, Government of

Assam. The petitioner refers to the order of this Court dated 16.06.2017 passed in W.P.(C) No. 4415/2010 to contend that in a similar matter the petitioner therein namely one Dulu Kr. Gogoi. has preferred an appeal before the Principal Secretary, Mines and Mineral Department, Government of Assam. This Court vide the said order passed in W.P.(C) No. 4415/2010 directed the appellate authority to consider and dispose of the appeal. The learned counsel for the petitioner submits that in view of such directions by the Court, the contentions of the respondents that the Board of Directors are the appropriate authority and not the Principal Secretary to the Government of Assam, Mines and Minerals Department is an incorrect averment by the respondents.

8. The learned counsel for the petitioner has referred to the following Judgments of the Apex Court in support of his contentions: (2007) 5 SCC 388; (1995) 1 SCC 332; AIR 1957 SC 425; (1973) 3 SCC 149; (2015) 17 SCC 541; (1994) 3 SCC 671; (1994) 2 SCC 434; (2012) 5 SCC 242; (2007) 12 SCC 210.

9. The respondents contested the case of the petitioner by filing the counter-affidavit disputing the claims and allegations made by the petitioner. The respondents, however, in their affidavit has made an averment that no list of documents and list of witnesses were furnished to the petitioner. The respondents, however, contend that the petitioner was permitted to inspect the documents which are considered relevant within seven days from the date of

receipt of the notice to Show Cause. But, no such request was made by the petitioner. It is further contended by the respondents that in his reply to the Show Cause notice, the petitioner did not state as to how he was prejudiced by non-furnishing of the documents and the list of witnesses.

10. The respondents contended that the petitioner being a Security Guard should not have allowed an unknown persons that too, a person connected with the media to enter into the LMP Premises unauthorisedly. Such action on the part of the petitioner who admitted to having travelled with the media person right up to the gate of the LMP Complex as well as having pointed out the quarters of Sri Mintu Bora, Record Keeper, has violated the Office decorum, norms, discipline and consequently questions on his integrity was raised as well. The petitioner was aware that in the recent past, there were cases of abductions from the LMP Complex by the miscreants and therefore, permitting any unauthorized person to enter into the LMP Complex has been viewed very seriously and considered to be an act of disregard or indiscipline and violative of the decorum required to be maintained as well as to the Security of the LMP Project and the persons residing within the complex. As such, disciplinary proceedings were initiated against the petitioner and the Enquiry Report was submitted holding all the charges, which were proved. The order dated 31.03.2014 passed by the Disciplinary Authority terminating the petitioner is

therefore just and proper.

11. As regards, the appeal stated to have been preferred by the petitioner, the respondents have stated that the said appeal appears to have been submitted to the Principal Secretary to the Government of Assam, Mines and Minerals Department and as such, the respondent authorities cannot comment on the appeal stated to have been preferred by the petitioner. It is, however, contended that the Principal Secretary to the Government of Assam, Mines and Mineral Department is not the appellate authority for the petitioner. Regarding vacating the official quarter by the petitioner, the respondents contended that inspite of notices being issued, the petitioner did not vacate the quarter up to February, 2016. An amount of Rs. 23,317/- has been found to payable as arrears regarding house rent and electricity dues. The respondents contended that no procedure has been violated in conducting the Disciplinary proceedings and in view of the allegations against the petitioner and in view of the charges held to be proved in the Enquiry Report, the dismissal of the petitioner is justified.

12. The learned counsel for the respondents on the other hand has referred to the following judgments in support of his contentions:

(1996) 3 SCC 364; (2013) 10 SCC 106; (2008) 12 SCC 30; (2005) 8 SCC 264;
(2010) 3 GLT 552; (2008) 9 SCC 31; (2004) 1 GLR 296

13. The learned counsels for the parties have been heard. The pleading have been duly perused. The case laws relied upon by the learned counsels for the parties have also been carefully noted.

13. The facts of the case are not in dispute. It is not in dispute that the petitioner had accompanied the media person, who was not an employee of the Corporation and also gave the particulars to the quarters of the Record Keeper. The petitioner did not state in his written statements before the enquiry Officer that he was unaware as to whether the said media person was entering the premises with due permission of the competent authority. The statements of the Security Guard on duty on the concerned date as well as the Record keeper implicate the petitioner in the matter. The enquiry report on the basis of the enquiry conducted held that the allegations made against the petitioner have been established and that he had violated the office discipline and decorum which amounts to gross misconduct, indiscipline, violation of office decorum and lack of integrity. The respondents have stated that the disciplinary proceedings have been initiated against the petitioner in terms of the Assam Services (Discipline & Appeal) Rules, 1964.

14. The petitioner was appointed initially for a period of six months with effect from the date of joining of the post. The appointment made is temporary and is terminable at any time without assigning any reasons.

Although specific appointment order is not enclosed to the petition, it is averred that his appointment was extended from time to time, the same is also not disputed by the respondent Authorities. According to the respondents, the last extension of appointment was from 01.04.2014 to 13.09.2014 vide office order dated 03.04.2014. The order of extension of appointment of the petitioner along with the other employees are also enclosed to the affidavit-in-opposition filed by the respondent. The said Office order dated 03.04.2014 by which the petitioner's appointment along with other similarly situated persons have been extended also mentions that the Corporation reserves that right to terminate the services of any or all of the incumbent at any time without assigning any reasons.

15. Be that as it may, the proceedings were initiated against the petitioner and the charges leveled against the petitioner were held to be proved. Pursuant to the enquiry held the disciplinary authority issued the order of termination. Upon careful perusal of the pleadings it is evident that the list of documents as well as the witnesses were not furnished to the petitioner and the same is also not disputed by the respondents. The respondents in Para-10 of their affidavit-in-opposition categorical stated that no list of documents were furnished to the petitioner as they did not intend to use any documents in the case of any disciplinary proceedings. In view of such categorical averments made in the

affidavit by the respondents, it must be held that the disciplinary proceedings conducted against the petitioner was not as per the procedure prescribed under the Assam Services (Discipline & Appeal) Rules, 1964, read with Manual of Departmental proceedings appended to the Rules. No service Rules of the Department or circulation etc has been pointed out to this Court which governs the service conditions of the employees of the Corporation. The appeal stated to have been preferred by the petitioner is also not disputed by the respondents. However, the status of the appeal stated to be pending before the Principal Secretary to the Government of Assam, Mines and Minerals Department has not been submitted before the Court. The respondent on the other hand contends that the Secretary, Mines and Minerals is not the appropriate appellate authority but rather the Board of Directors of the Corporation. However, that statement is belied by the order dated 16.06.2017 passed by a co-ordinate Bench of this High Court in W.P(C) No. 4415/2010 preferred by an employee of the corporation namely Sri Dulu Kumar Gogoi. These averments brought by the petitioner by way of the additional affidavit has not been controverted by the respondents.

16. The show-cause notice dated 07.01.2014 issued by the corporation was admittedly issued under Rule 9 of the Assam Services Disciplinary and Appeal Rules 1964 read with Article 311 of the Constitution of India. The delinquently,

namely, the petitioner was asked to show-cause as to why any of the penalties prescribed in Rule 7 of the aforesaid Rules should not be reflected on the petitioner on the charges mentioned inquest to the show-cause notice in the form of "Statement of allegations". Under the Rules 1964, the nature of penalties prescribed which enclosed the dismissal or removal from service. The penalties are prescribed in (i) to (vii) of the Rule 7. What will not amount to a penalty is also prescribed under the said Rules. Rule 9 of the said Rules lays down elaborate procedure for imposing the penalties prescribed. Rule 9 (3) prescribes that the Government servant (delinquent in the present case) shall be permitted to inspect and take extracts from the official records. As it is specify although such permission may be refused for reasons recorded in writing if in the opinion of the disciplinary authority such documents or records are not relevant for the purpose or is against the public interest to allow him to access thereto. Under the Rule 9 (6), the delinquent officer is entitled to cross-examine the witnesses examined in support of the charges ought to give evidence in persons and to adduce documentary and oral evidence in his defence. Rule 9 (10) provides that if the disciplinary authority is of the opinion that major penalty as specified under the Clauses (iv) to (vii) of Rule 7, which be imposed, than it shall make an order missing such penalty and it shall not be necessary to given the Government servant any opportunity to make representation on the

penalty proposed to be imposed.

17. Standard of proof required to be maintained in a disciplinary inquiry is preponderance of probability and not proved beyond the reasonable doubt. Disciplinary proceedings are quasi judicial in nature. The inquiry Officer performance a quasi judicial function and upon analyzing the documents it must arrived at a conclusion that the evidence adduced is sufficient to arrive at a conclusion that the charge/charges have been proved against the delinquent employee. The Apex Court in *Nirmala J Jhala vs. State of Gujarat and Another* reported in (2013) 4 SCC 301 while examining a disciplinary proceeding initiated a judicial officer had elaborately discussed and laid down the principles to be followed while conducting a disciplinary inquiry and the judicial review of such inquires conducted. The Apex Court held that the judicial review is not akin to adjudication on merits by reappreciating the evidence as an appellate authorities. The only consideration the Court or the Tribunal has in judicial review is to consider whether the conclusion is based on evidence on records and supports the findings or whether the conclusion is based on no evidence.

18. Upon a plain reading of the inquiry report what is revealed from the evidence adduced is that the petitioner was found to be accompanying the media person and registration number of the vehicle belonging to the media person, which was parked in front of the main gate of the complex, was not

entered into the entry register at the behest of the petitioner. From the evidence adduced it is also seen that the petitioner and the accompanied by the media person went to the quarter with one Mintu Bora and he was asked regarding the long payment of revised pay since 1996 and as to how one Sri Durang had joined his duties. The petitioner admitted that he had accompanied the reporter. No other evidence was adduced which is seen from the inquiry report as to how the act of the petitioner to accompany the media person can be turned to be gross misconduct, indiscipline, violation of office decorum and lack of integrity. There is no evidence seen from the inquiry report that the said media person was supplied or given access to confidential office records, files or any other information which will have serious negative consequences on the corporation or any of its employees.

19. Under such circumstances, it is not clear from the inquiry report as to how the act complaint of in respect of the petitioner can be turned to be an act of gross misconduct, indiscipline, violation of office decorum and lack of integrity. No evidence was adduced in respect of any office order or memorandum laying prescribed in the decorum required to be maintained by the employees. There is no evidence adduced which shows that the petitioner had accepted any illegal gratification or has furnished confidential information causing or liable to be caused serious damage to the organization. As discussed before the relevant

documents were not relied upon during the course of the inquiry and the same is evident from the specific averment made in the counter affidavit filed by the department. From the inquiry report, it is seen that there is no opportunity of cross-examination offered to the delinquent employee i.e. the petitioner to cross-examine the witnesses which were examined during the inquiry on behalf of the corporation in support of the allegation made against the petitioner. In view of the law laid down by the Apex Court the judgment relied upon the respondent have no applications in the facts of the case. The judgments relied upon by the petitioner enunciate the principles which have been laid down by the Apex Court in time to time and as elaborately discussed by the Apex Court in the case of *Nirmala J. Jhala* (Supra).

20. A plain reading of the pleadings reveals that no inquiry report pursuant to the inquiry conducted was served on the delinquent employee, namely, the petitioner herein. That apart, there is no explanation as to why two inquiry officers were appointed to conduct the inquiry against the petitioner. It is evident that the inquiry was conducted by the 2 (two) inquiry officers which is also not in terms of the provisions prescribed under the Rules of 1964. There is no explanation as to why 2 (two) inquiry officers were required to conduct the same inquiry together.

21. The very averment made in the affidavit that the list of

documents and the list of witnesses were never furnished to the petitioner as the Corporation did not intend to rely on the statement of the witnesses or the documents which are contrary to the finding in the enquiry report which are enclosed to the writ petitioner. The enquiry report is based on the statements made by Shri Mintu Borah, Record Keeper, Sri Jagat Borah, the Security Guard at the gate of the premises on the concerned date and the petitioner. The respondents have also not been able to show that the procedure prescribed under the Assam Services (Discipline & Appeal) Rules, 1964, which has been adopted by the Corporation has been followed if not in letter at least in spirit. The law regarding Judicial review of disciplinary proceedings and punishments has been elaborately laid down by the apex Court in a catena of Judgments

22. It is true that in Judicial Review under Section 226, the High Court should ordinarily not interfere with any departmental proceedings, if there is some evidence and the procedure prescribed, has been largely followed. However, in the facts of the present case as has been discussed above, the entire enquiry was concluded on the basis of the statements made by the two witnesses namely Mintu Borah, Record Keeper and Jagat Borah, Security Guard. Ordinarily an enquiry instituted by the department is conducted by one enquiry officer and if the employer feels the necessity, a presenting officer is appointed. However, in this case, it is seen that there were two enquiry officers appointed and both the

enquiry officers reached at the same conclusions. There is no explanation by the respondent authority as to why two enquiry officers are required to be appointed when under the Assam Services (Discipline & Appeal) Rules, 1964 as well as the Manual of the Departmental Proceedings, ordinarily a single enquiry officer is appointed. The enquiry report does not reveal the materials, if any on the basis of which the conclusions that the allegations against the petitioner have been proved to have been reached. On the contrary, as per Para 10 of the affidavit-in-opposition, the respondents have categorically stated that they did not rely on the statements made by the witnesses as well as on any other documents.

23. In that view of the matter, it is not discernable from the enquiry report as to how the charges against the petitioner have been held to be proved. In the opinion of the Court, the enquiry was conducted in a very perfunctory manner. No reference is found in the enquiry report as to the materials which were referred to and/or relied upon by the enquiry officers in order to arrive at the conclusions holding that the allegations against the petitioner have been proved. The Disciplinary Authority also is endowed with the responsibility of taking an independent view before passing any order. The order dated 25.06.2016 issued by the Disciplinary Authority relies entirely on the enquiry report and comes to the conclusion that the enquiry report is accepted. No additional grounds are

stated by the Disciplinary authority while accepting the enquiry report and before passing the impugned order against the petitioner. The findings of the enquiry officer which is upheld or accepted by the Disciplinary authority that the petitioner is guilty of gross misconduct, indiscipline, violation of office decorum, and lack of integrity is not based on any evidence. It is also not brought to the notice of the Court as to how the act of the petitioner against which the proceedings have been initiated are considered to be an act or acts of indiscipline, gross misconduct, violation of office decorum and lack of integrity. The enquiry report read with the impugned order of the disciplinary authority does not disclose any material for the authorities to come to a conclusive finding that the petitioner is guilty of all or any of the charges complaint of. The enquiry thus conducted being violative of the principle of natural justice as well as the procedure prescribed under the Assam Services (Discipline & Appeal) Rules, 1964, and the same is declared to be *non est* in law. The appeal preferred by the petitioner was also pending before the Principal Secretary to the Government of Assam, Department of Mines and Mineral and the fate of the appeal was also not brought to the notice of this Court by the respondents in spite of their affidavits having been filed.

24. This Court is of the view that the manner in which the petitioner has been removed in service cannot be considered to be proper and legal in terms of the

procedure prescribe. The enquiry report having been held to be *non est*. The consequential order dated 25.06.2014 which is impugned in the present writ petition is interfered with and set aside and quashed.

25. Having declared so, this Court is conscious of the fact that the enquiry was conducted and the petitioner was terminated from service vide order dated 25.06.2014. From the date of conduct of the enquiry as well as the date of termination, more than nine years have elapsed. It is not the pleaded case of the petitioner that he should be reinstated in service rather his prayer is to interfere with the enquiry proceedings and the termination order and to issue a direction for grant of his service dues.

26. In that view of the matter, this Court is of the considered opinion that ends of justice will be met if the petitioner is granted his service dues from the date he was terminated from service. The respondent corporation will calculate the service dues payable to the petitioner with effect from 25.06.2014 i.e. the date of his termination. This Court is of the considered view that ends of justice will be met if the corporation is directed to pay the amount to the petitioner as directed. The amount shall be calculated and released to the petitioner within a period of four weeks from today. In the event of the failure of the Corporation to release the amount, the Department of Mines and Minerals, Government of Assam being the parent department and the controlling department of the

corporation, the amount shall be released by the said department within a further period of one month from the date of receipt of certified copy of this order.

27. In terms of the above, the writ petition is allowed and disposed of. No order as to costs.

JUDGE

Comparing Assistant