

GAHC010129852021



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

Case No. : WP(C)/4440/2021

MD. FAIZUR RAHMAN
S/O LATE ABADULLAH
IN CHARGE ACCOUNT OFFICER,
ASSAM URBAN WATER SUPPLY AND SEWERAGE BOARD, DIBRUGARH
DIVISION, ASSAM, 786001

VERSUS

THE ASSAM URBAN WATER SUPPLY AND SEWERAGE BOARD AND 4 ORS
REPRESENTED BY ITS CHAIRMAN, DISPUR GUWAHATI .

2:THE MANAGING DIRECTOR

ASSAM URBAN WATER SUPPLY AND SEWERAGE BOARD
R.G BARUAH ROAD
GANESHGURI
GUWAHATI 781005

3:THE CHIEF ENGINEER

ASSAM URBAN WATER SUPPLY AND SEWERAGE BOARD
R.G BARUAH ROAD
GANESHGURI
GUWAHATI 781005

4:THE EXECUTIVE ENGINEER

ASSAM URBAN WATER SUPPLY AND SEWERAGE BOARD
DIBRUGARH DIVISION
DIBRUGARH
786001

5:THE FINANCE AND ACCOUNTS OFFICER

ASSAM URBAN WATER SUPPLY AND SEWERAGE BOARD
R.G BARUAH ROAD
GANESHGURI
GUWAHATI 78100

Advocate for the Petitioner : MR M CHANDA

Advocate for the Respondent : SC, ASSAM URBAN WATER SUPPLY AND SEWERAGE BOARD

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

Date : 25-08-2023

Heard Dr. G.J. Sharma, learned counsel for the petitioner. None appears for the respondents.

2. This writ petition has been filed by the petitioner praying for release of the amount he is entitled to with grade pay w.e.f. 14.03.2011 and from the date of implementation of ROP 207 along with arrear as the petitioner has been continuing to work as Assistant Account Officer in a regular vacancy in the Jorhat Division, Assam Urban Water Supply and Sewerage Board as stop gap arrangement.

3. Petitioner is in a substantive post of L.D Assistant-cum-Typist under the said Board since 12.11.2002. The petitioner has been rendering his services as Assistant Accounts Officer as stop gap arrangement in Assam Urban Water Supply and Sewerage Board. It is the submission of the learned counsel for the petitioner that subsequently by 14.11.2008, the petitioner has been regularized as Assistant Accounts Officer in Assam Urban Water Supply and Sewerage Board. The petitioner was thereafter transferred and posted in Dibrugarh Division by order dated 14.03.2011. The petitioner has been further allowed to hold charge of the accounts

officer temporarily in the Dibrugarh Division. The petitioner having rendered service as account officer in-charge w.e.f. 15.03.2011, represented before the competent authority praying for being regularized in the said post of accounts officer under Assam Urban Water Supply and Sewerage Board.

4. Learned counsel for the petitioner referred to the notification dated 27.10.2020 whereby the petitioner is shown at the serial No. 2 in the gradation list. However, the prayer of the petitioner seeking regular promotion to the post of account officer under Assam Urban Water Supply and Sewerage Board has not been attended to. The petitioner prefers the representation dated 25.01.2021 ventilating his grievances. However, the same has also remained unattended. Being aggrieved, the present writ petition has been filed praying for appropriate orders by this Court.

5. Notice was issued, on 09.09.2021. However, no response has been filed by the respondents. There is also no office note indicating that the steps have been taken by the petitioner in respect of the private respondents. The respondents are also not represented today when the matter called up. During the course of the hearing, Mr. Sharma submits that the petitioner's case is presently under consideration and from the reliable source, he is informed that his case is likely to be considered favorably for regular promotion to the post of account officer.

6. The learned counsel for the petitioner has procured a copy of the minutes of the 59th Board of Directors Meeting held on 19.10.2022 wherein the case of the petitioner has been given due approval for promotion to the post of account officer along with other similarly situated candidates. He has also referred to the promotion orders issued in favour of other similarly situated candidates whose names were recommended along with the petitioner. Learned counsel for the petitioner submits that there is an apprehension that because of the pendency of

the writ petition promotional orders has not been issued in his favour. He further submits that since his case has already been considered for promotion, his grievances in the writ petition have been attended to by the Department.

7. Under such circumstances, this Court is of the considered opinion that this writ petition can be closed since the prayer made by the petitioner has been considered favorably by the department as is reflected by the minutes of Board Directors meeting held on the 19.10.2022.

8. In that view of the matter, the writ petition stands closed. It is expected that the Board of Directors will issue necessary promotional orders in pursuance to the resolution adopted by the Board of Directors in favour of the petitioner as has been done in the case of the other similarly situated persons and any other grievance, which the petitioner may have in respect of release of arrear or in respect of giving it effect or in respect of seniority etc. can be addressed to the respondent authorities upon such representation filed by the petitioner.

9. In terms of the above observations the petitions stands closed. Liberty is granted to the petitioner.

10. The writ petition stands disposed of.

JUDGE

Comparing Assistant