

GAHC010134892023



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

Case No. : WP(C)/3604/2023

DHANJIT DAS
S/O LATE KAMALA KANTA DAS, R/O VILL-GALIAHATI, P.S.-BARPETA, P.S.-
BARPETA, DIST-BARPETA, ASSAM, PIN-781301

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, PUBLIC WORKS DEPARTMENT, DISPUR,
GUWAHATI-781006

2:THE COMMISSIONER AND SPECIAL SECRETARY TO THE GOVERNMENT
OF ASSAM
PUBLIC WORKS DEPARTMENT
DISPUR
GUWAHATI-781006

3:THE CHIEF ENGINEER
PUBLIC WORKS DEPARTMENT
ASSAM
CHANDMARI
GUWAHATI-781003

4:THE EXECUTIVE ENGINEER
PUBLIC WORKS DEPARTMENT
BARPETA RURAL ROADS DIVISION
DIST-BARPETA
ASSAM
PIN-78130

Advocate for the Petitioner : MR. M MAHANTA

Advocate for the Respondent : SC, PWD

**BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

ORDER

Date : 22-09-2023

Heard Mr. M Mahanta, learned counsel for the petitioner. Also heard Mr. B Gogoi, learned counsel for the PWD.

2. The petitioner has prayed for a direction to be issued to the respondent No. 2, to dispose of the petitioner's statutory appeal dated 20.01.2021, challenging the order of dismissal of the petitioner from service dated 28.12.2012.

3. The brief facts of the case is that the petitioner, who was working as an LDA in the office of the Executive Engineer, PWD, Barpeta Rural Roads Division was dismissed from service vide order dated 28.12.2012. The petitioner challenged the same vide WP(C) No. 6632/2013.

4. WP(C) No. 6632/2013 was disposed of vide order dated 30.10.2018, by directing the respondent No. 2, who was the appellate authority to consider and dispose of the petitioner's appeal dated 07.01.2013 challenging the dismissal order.

5. As the order dated 30.10.2018, passed in WP(C) No. 6632/2013 was not being complied with, the petitioner filed Contempt Case (C) No. 652/2019. During the pendency of the contempt case, the respondent No. 2 issued the order dated 06.12.2019, wherein it was stated that the appeal filed by the petitioner was not a formal appeal. However, if the petitioner filed a formal appeal, the Department may consider the appeal. In view of the above, the

contempt case was closed vide order dated 07.01.2021, by granting leave to the petitioner to prefer a statutory appeal in accordance with law.

6. The petitioner thereafter submitted an appeal in terms of the order dated 06.12.2019 passed by the respondent No. 2 and the order dated 07.01.2021 passed in Contempt Case (C) No. 652/2019. The appeal was filed on 20.01.2021. The grievance of the petitioner is that the same has not been disposed of by the appellate authority till date. He submits that the present writ petition can be disposed of, if the appellate authority disposes of the petitioner's appeal dated 20.01.2021 within a specified time period.

7. Mr. B Gogoi, learned counsel for the PWD submits that he has got no objection to the prayer made by the petitioner's counsel.

8. In view of the consent of the parties, this writ petition is disposed of, with a direction to the appellate authority to dispose of the petitioner's appeal dated 20.01.2021, within a period of one month from the date of receipt of a certified copy of this order.

9. The writ petition is accordingly disposed of.

JUDGE

Comparing Assistant