

GAHC010140502021



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

Case No. : WP(C)/5096/2021

GAUTAM BASFORE
S/O CHARITA BASFORE R/OVILL. BAHBARI, P.O. KUMRIKATA, P.S.
TAMULPUR, PIN 781367, DIST. BAKSA, ASSAM.

VERSUS

THE STATE OF ASSAM AND 11 ORS
REPRESENTED BY THE CHIEF SECY. GOVT. OF ASSAM, BLOCK-C, 3RD
FLOOR, JANATA BHAWAN, DISPUR, GUWAHATI 781006, KAMRUP (M),
ASSAM.

2:THE PRINCIPAL SECY. GOVT. OF ASSAM

FINANCE DEPTT. 3RD FLOOR
CHIEF MINISTERS BLOCK
JANATA BHAWAN
DISPUR
GUWAHATI 781006
ASSAM.

3:THE REGISTER GENERAL

GAUHATI HIGH COURT
GUWAHATI 781001
ASSAM.

4:THE REGISTER (VIGILANCE)
GAUHATI HIGH COURT
GUWAHATI 781001
ASSAM.

5:THE DEPUTY REGISTRAR

ACCOUNTS SECTION
REGISTER GENERAL
GAUHATI HIGH COURT
GUWAHATI 781001
ASSAM.

6:THE LEGAL REMEMBRANCER CUM COMMISSIONER AND SECY. GOVT.
OF ASSAM

JUDICIAL DEPTT.
DISPUR
GUWAHATI 781006
ASSAM.

7:THE LEGAL REMEMBRANCER AND SECY. GOVT. OF ASSAM

JUDICIAL DEPTT.
E BLOCK
2ND FLOOR
ASSAM SECRETARIAT
DISPUR
GUWAHATI 781006
ASSAM.

8:THE DEPUTY LEGAL REMEMBRANCER AND DEPUTY SECY. GOVT. OF
ASSAM

JUDICIAL DEPTT.
E BLOCK
2ND FLOOR
ASSAM SECRETARIAT
DISPUR
GUWAHATI 781006
ASSAM.

9:THE JOINT SECY.

GOVT. OF ASSAM
JUDICIAL DEPTT. E BLOCK
2ND FLOOR
ASSAM SECRETARIAT
DISPUR
GUWAHATI 781006
ASSAM.

10:THE DEPUTY SECY. GOVT. OF ASSAM

JUDICIAL DEPTT.
E BLOCK
2ND FLOOR
ASSAM SECRETARIAT
DISPUR
GUWAHATI 781006
ASSAM.

11:THE DIST. AND SESSIONS JUDGE ESTABLISHMENT

BAKSA
BATHOUPURI
MUSHALPUR
BAKSA
ASSAM
PIN 781372

12:THE ACCOUNTANT GENERAL (A AND E)
BELTOLA
GUWAHATI
PIN 781029
KAMRUP (M) DIST.
ASSAM

Advocate for the Petitioner : MR F KHAN

Advocate for the Respondent : GA, ASSAM

BEFORE
THE HON'BLE MR JUSTICE ARUN DEV CHOUDHURY
ORDER

15.12.2023

The present petition is filed assailing the order dated 26.08.2021, whereby the petitioner was released from service on the ground that the Finance Department, Government of Assam has rejected the prayer for re-designation of the post of Sweeper to any other Grade-IV post.

The persons similarly situated to that of the present petitioner have approached this court by way of filing WP(C) 7358/2021 (Ramani Das vs the

State of Assam and 5 Ors.) and WP(C) 308/2022 (Suresh Rajbhar vs the state of Assam and 3 Ors.). This court after elaborate discussion on facts and on settled propositions of law, while setting aside the release orders impugned in those writ petitions, directed the Administrative (Judicial Department) and the Finance Department to take immediate steps for release of the salary due to the petitioners therein for the period they had rendered services with further directions to reinstate those petitioners in service forthwith and to release the salary due to them within a period of outer limit of 45 days from the date of passing of the order.

When this matter was listed before this court on 01.12.2023, the petitioner's counsel sought for a week time to examine whether the judgment rendered by this court in Ramani Das (supra) and Suresh Rajbhar (supra) is applicable in this case. Accordingly, the matter was adjourned. Today, when the matter is called, the learned counsel for the petitioner as well as the respondents submit that the present case shall also be covered by the determination made in aforesaid two judgments i.e. Ramani Das (supra) and Suresh Rajbhar (supra).

In that view of the matter, the present writ petition stands disposed of in terms of the determination made in Ramani Das (supra) and Suresh Rajbhar (supra) and accordingly it is directed that the order dated 26.08.2021 of temporary release of the petitioner from the service is set aside. Consequently, the petitioner is directed to be reinstated forthwith. The due salaries are to be released immediately within an outer limit of 45 days from today. The respondent Administrative (Judicial Department) and the Finance Department to take immediate steps for the release of the salary due to the petitioner for the period he had rendered in service.

With the aforesaid, the present writ petition stands disposed of.

JUDGE

Comparing Assistant