

GAHC010088912023



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

Case No. : I.A.(Civil)/1961/2023

THE STATE OF ASSAM AND 3 ORS.
REPRESENTED BY THE SECRETARY TO THE GOVT. OF ASSAM

WATER RESOURCES DEPARTMENT

DISPUR
GHY-06.

2: THE CHIEF ENGINEER
OFFICE OF THE CHIEF ENGINEER

WATER RESOURCES DEPARTMENT

CHANDMARI
GUWAHATI-03

DISTRICT- KAMRUP(M)
ASSAM.

3: EXECUTIVE ENGINEER
SILCHAR
OFFICE OF THE EXECUTIVE ENGINEER
WATER RESOURCES DEPARTMENT

SILCHAR
ASSAM.
VERSUS

DEBASHIS ACHARJEE (A)
S/O- LT. ANIL BANDHU ACHARJEE
R/O- FLAT NO. 05 A
SARALA MOHAN RESIDENCY COMPLEX
JATIA

KAHILIPARA
DISTRICT- KAMRUP(M)
ASSAM
PIN- 781019.

2:ACCOUNTANT GENERAL
OFFICE OF THE ACCOUNTANT GENERAL

MAIDAM GAON
BELTOLA

DIST.- KAMRUP(M)
ASSAM

GHY- 781029.

Advocate for : SC
WATER RESOURCE
Advocate for : SC
AG appearing for DEBASHIS ACHARJEE (A)

Linked Case : WP(C)/2125/2023

DEBASHIS ACHARJEE
S/O- LT. ANIL BANDHU ACHARJEE

R/O- FLAT NO. 05 A

SARALA MOHAN RESIDENCY COMPLEX

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VERSUS

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SILCHAR
OFFICE OF THE EXECUTIVE ENGINEER
WATER RESOURCES DEPARTMENT

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4:ACCOUNTANT GENERAL
OFFICE OF THE ACCOUNTANT GENERAL

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ASSAM

GHY- 781029.

Advocate for : MR. S K GOSWAMI

Advocate for : SC

WATER RESOURCE appearing for THE STATE OF ASSAM AND 3 ORS.

BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM

ORDER

Date : 27/07/2023

Heard Mr. R.M. Das, learned Standing Counsel, Water Resources Department, Assam, appearing for the applicants. Also heard Mr. S. K. Goswami, learned counsel appearing for the opposite party/writ petitioner.

By filing this IA, the State of Assam along with the Chief Engineer of Water Resources

Department and the Executive Engineer, Water Resources Department, Silchar, Assam, have approached this Court with a prayer to vacate/modify the interim order dated 21/04/2023 passed by this Court in WP(C) 2125/2023 whereby, this Court has restrained the respondents from promoting the departmental candidates to the rank of Assistant Executive Engineer (AEE) on the basis of the recent recommendation of the DPC.

Mr. Das submits that the department is in urgent need of officers in the post of AEE but due to operation of the stay order, the notification of promotion could not be issued till today. Therefore, expressing urgency on the ground of exigency of public service, the learned departmental counsel has prayed for vacation/modification of the stay order.

Mr. S.K. Goswami, learned counsel for the opposite party/writ petitioner, on the other hand, submits that one post in the rank of AEE be kept vacant awaiting final order in these writ petitions.

Mr. H. Sarma, learned Government Advocate Assam, is present on behalf of the State.

In view of the projections made at the Bar and considering the facts and circumstances of this case, this IA is hereby disposed of by providing that the respondents may go ahead and notify the promotion of the departmental candidates to the post of AEE as per the recommendation made by the DPC. However, one post of AEE shall be kept vacant, awaiting the final order to be passed in these writ petitions.

Needless to say, if the petitioner succeeds in the writ petitions, his date of promotion and consequential seniority will be suitably dealt with by the department.

With the above observation, the IA stands disposed of.

JUDGE

sukhamay

Comparing Assistant