

GAHC010174282023



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

Case No. : WP(C)/4682/2023

RAJIV CHANGMAI AND 4 ORS
S/O- LATE CHITRADHAR CHANGMAI, R/O- RUPNAGAR HOUSEFED
COMPLEX, SRIMANTAPUR, BHANGAGARH-32, DIST. KAMRUP(M), ASSAM
AND PRESENTLY SERVING AS THE ASSISTANT ENGINEER (CIVIL) IN
RANGIA NH DIVISION.

2: DILIP KUMAR NATH
S/O- SHRI BIRENDRA KUMAR NATH
PRESENTLY SERVING AS THE ASSISTANT ENGINEER (CIVIL) IN NALBARI
DISTRICT TERRITORIAL BUILDING DIVISION
DIST. NALBARI
PIN- 781335
ASSAM

3: KICHIN CHANDRA DAS
S/O- LATE JAYRAM DAS
PRESENTLY SERVING AS THE ASSISTANT ENGINEER (CIVIL) IN BARPETA
DISTRICT TERRITORIAL BUILDING DIVISION
DIST. BARPETA
PIN- 781301
ASSAM

4: SAFIQL ISLAM MAMUD
S/O- ABDUR REZZAQUE
R/O- RONGAGARA
HUZ
NAGAON- 782002
ASSAM AND PRESENTLY SERVING AS THE ASSISTANT ENGINEER (CIVIL)
IN TEZPUR
SOOTEA AND RANGAPARA TERRITORIAL ROAD DIVISION (ATTACHED
TO NAGAON
BARHAMPUR AND RUPOHIHAT TERRITORIAL BUILDING DIVISION).

5: ROUF AHMED MAMUD

S/O- LATE ABDUR RASHID
R/O- VILL.- MADHUPUR
DIST. NAGAON-782003
ASSAM AND PRESENTLY SERVING AS ASSISTANT ENGINEER (CIVIL)
HOJAI DISTRICT TERRITORIAL BUILDING DIVISION
HOJAI
PIN- 782435
ASSA

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE CHIEF SECRETARY, GOVT. OF ASSAM, DISPUR,
GUWAHATI-6.

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

3:THE SECRETARY

PUBLIC WORKS (ROADS) DEPARTMENT
GOVERNMENT OF ASSAM
DISPUR
GUWAHATI-781006
ASSAM

4:THE DEPUTY SECRETARY TO THE GOVT. OF ASSAM
PUBLIC WORKS (ROADS) DEPARTMENT
ESTABLISHMENT-B BRANCH
DISPUR
GUWAHATI-781006
ASSA

Advocate for the Petitioner : MR. M K DAS

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

Date : 14/11/2023

Heard Mr. M. K. Das, learned counsel for the petitioners. Also heard Mr. R. Dhar, learned standing counsel, PWD.

2. This writ petition has been filed by the petitioner praying for directions to the respondent department to give effect to the order of promotion dated 10.05.2023 by which order they were promoted from the post of Junior Engineer to the post of Assistant Engineer. The petitioners are aggrieved by the fact that to give effect to the date of their promotion from the date when their colleagues and juniors were promoted, which is 16.09.2015. The petitioners have aggrieved by the fact that at the relevant point in time when their juniors and other similarly situated candidates were considered for promotion and were granted promotion by notification dated 16.09.2015, their cases were not considered as there was a cloud on their qualifications as to whether the degrees which they have acquired are recognized by the AICTE. Subsequently, the AICTE clarified the issue in favour of the petitioners stating that their degrees obtained are recognized by the AICTE. However, the cases of the petitioners were not considered for promotion immediately thereafter and were subsequently considered for promotion by the order dated 10.05.2023, by which they were promoted to the Post of Assistant Engineer.

3. The learned counsel for the petitioner submits that for giving them the benefit of their promotion with effect from 16.09.2015, a representation was filed before the competent authority, which had remained pending and no such

orders have been passed. Being aggrieved, the present writ petition has been filed praying for appropriate writ direction or order.

4. Mr. M. K. Das, learned counsel for the petitioner has also referred to and relied upon orders passed by the co-ordinate Bench of this court, whereby similar writ petitions were disposed of, directing the department to pass appropriate orders on the representation's preferred.

5. Mr. R. Dhar, learned standing Counsel, PWD on instructions places before the Court copy of the communication dated 07.11.2023, whereby the Department has sought for some time in the matter as the department as the representations of the writ petitioners are under due consideration. Mr. Dhar submits that some time be granted to the Department as the matter is under active consideration and inter-departmental views has been sought for by the department for passing necessary orders in the matter.

6. Since the learned standing counsel has submitted before the court on instructions that the representations filed by the petitioner are under active consideration and the writ petitioners are before this court seeking directions for disposal of their representations, this court is of the considered view that the writ petition can be closed with a direction to the respondent authorities to effectively decide on the representations filed by the petitioner and pass appropriate orders thereof. Any speaking order passed on their representations, copies thereof be furnished to the writ petitioners.

7. The entire exercise be taken by the department, namely, PWD (Roads and Buildings) Department as expeditiously as possible within the period of outer limit of 60 (sixty) days from the date of receipt of a certified copy of this order.

8. Writ petition accordingly stands disposed of in terms of the above.

9. Department is given liberty to call for any such clarifications or documents as may be necessary from the petitioners at the time of deciding the representations.

JUDGE

Comparing Assistant