

GAHC010200362023



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

**Case No. : WP(C)/5197/2023**

AJOY BAISHYA  
S/O- SRI NIPEN BAISHYA,  
JR. INSPECTOR/ AUDITOR,  
OFFICE OF THE DIST. DEPUTY REGISTRAR OF COOP. SOCIETIES,  
DHUBRI, ASSAM.

VERSUS

THE STATE OF ASSAM AND 3 ORS  
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM,  
COOPERATION DEPARTMENT,  
DISPUR, GUWAHATI-6.

2:THE REGISTRAR OF COOP. SOCIETIES  
ASSAM  
KHANAPARA  
GUWAHATI-22.

3:THE ZONAL JOINT REGISTRAR-CUM-THE ENQUIRY OFFICER  
OF COOP. SOCIETIES  
GUWAHATI.

4:THE SR. INSPECTOR/ AUDITOR-CUM- THE PRESENTING OFFICER  
OFFICE OF THE DEPUTY REGISTRAR OF COOP. SOCIETIES

KAMRUP  
GUWAHATI

**Advocate for the Petitioner : MR B SINHA**

**Advocate for the Respondent : SC, CO OP**

**BEFORE  
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI**

**ORDER**

07.09.2023

Heard Shri B Sinha, learned counsel for the petitioner. Also heard Shri SK Talukdar, learned Standing Counsel, Cooperation Department, Assam.

**2.** This writ petition which has been taken up out of turn by way of mentioning pertains to a Departmental Proceeding initiated vide a Show Cause Notice dated 21.03.2023.

**3.** The case of the petitioner is that while he was serving as Junior Inspector/Auditor in the establishment of District Deputy Registrar of Cooperative Societies in the District of Dhubri, he was served with a Show Cause Notice dated 21.03.2023.

**4.** Shri Sinha, learned counsel for the petitioner submits that the present petition has been filed with a limited prayer. By drawing the attention of this Court to the list of documents, Shri Sinha, learned counsel submits that a Letter No. CNG 555/Misc/2023/02, dated 30.01.2023 has been mentioned. Though it is not disputed that a copy of the letter has been furnished to him, the said letter, on the other hand, takes into account two reports, copies of which have not been given to the petitioner. It is submitted that without copies of such reports, the petitioner would be deprived from submitting an effective statement of defence. It is, accordingly, submitted that adequate directions be issued for furnishing copies of the reports so as to enable the petitioner to submit an

effective defence statement. The learned counsel for the petitioner further contends that tomorrow is the date scheduled for the enquiry.

**5.** On the other hand, Shri Talukdar, learned Standing Counsel of the Department has submitted that there is no cause of action in this case, at this stage. He submits that there is no allegation of violation of any procedure and the letter dated 30.01.2023 which is the only document under the column 'List of Documents' in the Show Cause Notice dated 21.03.2023 has admittedly been furnished to the petitioner. The learned Standing Counsel submits that unless any other documents are made part of the 'List of Documents', the delinquent is not entitled to seek copies of the same as a matter of right.

**6.** After considering the rival submissions, this Court is of the opinion that since the copy of the letter dated 30.01.2023 which is the only document mentioned has already been furnished to the petitioner, there is no other requirement to give copies of reports which finds mention in the said letter. If any other documents are taken into consideration in the enquiry, the petitioner would have his own remedies at that stage. This Court is, accordingly of the view that no case for interference is made out at this stage.

**7.** At this stage, Shri Sinha, learned counsel for the petitioner submits that he may be permitted to submit the written statement of defence and to facilitate the same, the enquiry scheduled tomorrow i.e., 08.09.2023 may be deferred by a reasonable period.

**8.** The aforesaid submission is not opposed in principle by Shri Talukdar, learned Standing Counsel who, however, contends that a fixed date be given so

that the enquiry may be taken up expeditiously.

**9.** In view of the above, the enquiry scheduled tomorrow i.e., 08.09.2023 may be deferred by a week by which time, the petitioner may file the written statement of defence, if so advised. To clarify the matter, the written statement of defence may be filed latest by 14.09.2023. It is further clarified that in case no such written statement is filed by the said date, the enquiry may be proceeded.

**10.** The writ petition is accordingly disposed of.

**JUDGE**

**Comparing Assistant**