

GAHC010232182023



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

Case No. : WP(C)/6132/2023

RABINDRA DEKA
S/O LATE DEBANDRA DEKA, R/O BONGAON, BELTOLA, GUWAHATI-28,
PRESENTLY WORKING AS INSPECTOR OF FOOD, CIVIL SUPPLIES AND
CONSUMER AFFAIRS DEPARTMENT, GOVERNMENT OF ASSAM AND
POSTED AT KAMRUP (M), GUWAHATI

VERSUS

THE STATE OF ASSAM AND 3 ORS.
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF ASSAM,
FOOD, CIVIL SUPPLIES AND CONSUMER AFFAIRS DEPARTMENT, DISPUR,
GUWAHATI-6

2:THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF ASSAM
FINANCE (2) DEPARTMENT
DISPUR
GUWAHATI-6

3:THE COMMISSIONER
FOOD
CIVIL SUPPLIES CONUSMER AFFAIRS AND LEGAL METROLOGY
ULUBARI
GUWAHATI-7

4:THE ACCOUNTANT GENERAL (A AND E)
ASSAM
BELTOLA
GUWAHATI-2

Advocate for the Petitioner : MR D N BHATTACHARYYA

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA
ORDER

13.12.2023

Heard Mr. D.N. Bhattacharyya, learned counsel for the petitioner. Also heard Mr. J.K. Goswami, learned Additional Senior Government Advocate, Assam and Mr. R. Borpujari, learned Standing Counsel, Finance Department.

This writ petition is filed by the petitioner for a direction to the respondent authorities to relax FR.17 for authorizing pay and allowances from the date of retrospective promotion with effect from 17.11.2020. The petitioner is aggrieved by the fact that in spite of his legitimate claim and approach made to the Department, the necessary order for relaxation of FR.17 has not been passed.

This Court by order dated 15.11.2023 had issued notice making it returnable after 4 (four) weeks.

Today when the matter was called up, Mr. J.K. Goswami, learned Additional Senior Government Advocate, Assam and Mr. R. Borpujari, learned Standing Counsel, Finance Department submit before the Court that the matter is presently under the active consideration by the Finance Department after the

Administrative Department has met up with the necessary queries. Mr. R. Borpujari submits that the Finance Department is likely to take a decision and therefore, prays that the matter be listed after 3 (three) weeks.

Per contra, Mr. D.N. Bhattacharyya, learned counsel for the petitioner submits that the writ petition be disposed of with a direction to the Finance Department to take a decision in respect of the claim made by the petitioner. He further submits that in the event the decision is taken against the petitioner, he may be given liberty to approach the Court again, if required.

In view of the submissions made by the learned counsel for the petitioner and upon considering the limited prayer of the petitioner where the petitioner has only sought for a direction to the Finance Department to take a decision on the claims of the petitioner for relaxation of FR.17 on the basis of the proposal put up by the Administrative Department, this Court considers it appropriate therefore to dispose of the writ petition with a direction to the Finance Department, namely, the respondent no. 2 to ensure with the proposal contained in e-file no.E-94034 which is stated to be the proposal for relaxation of FR.17 in so far as the claims of the petitioner are concerned, to examine the proposal and thereafter, pass appropriate order as per the Rules and Procedure. Any such order that is passed by the Finance Department, intimation thereof

shall be sent to the Administrative Department. The Administrative Department will communicate to the petitioner, any such order that may be passed by the Finance Department. The exercise shall be completed within a period of 3 (three) weeks from the date of receipt of a certified copy of this order.

The writ petition stands disposed of in terms of the above.

JUDGE

Comparing Assistant