

GAHC010236382022



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

Case No. : PIL/69/2022

JOYDEB DAS
S/O LATE KARUNAMOY DAS, HOUSE NO.16, KUSHAL KONWAR ROAD,
NEAR MAYUR KRISHNA CINEMA HALL, AMBARI FATASHIL, GUWAHATI-
781025.

VERSUS

THE STATE OF ASSAM AND 6 ORS.
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT OF
ASSAM, DISPUR, GUWAHATI- 781006.

2:THE PRINCIPAL SECRETARY
DEPARTMENT OF FISHERIES
GOVERNMENT OF ASSAM
DISPUR
GUWAHATI-781006.

3:THE PRINCIPAL SECRETARY
HOME AND POLITICAL DEPARTMENT
GOVERNMENT OF ASSAM
DISPUR
GUWAHATI-781006.

4:THE ASSAM FISHERIES DEVELOPMENT CORPORATION LIMITED
REPRESENTED BY THE MANAGING DIRECTOR
CHACHAL
VIP ROAD
GUWAHATI-781036.

5:THE MANAGING DIRECTOR
ASSAM FISHERIES DEVELOPMENT CORPORATION LIMITED
CHACHAL

VIP ROAD
GUWAHATI-781036.

6:THE CHIEF MINISTERS SPECIAL VIGILANCE CELL
SRIMANTAPUR
GUWAHATI- 781007
REPRESENTED BY ITS SUPERINTENDENT OF POLICE.

7:THE OFFICER IN-CHARGE
VIGILANCE AND ANTI-CORRUPTION POLICE STATION
SRIMANTAPUR
GUWAHATI- 781007

Advocate for the Petitioner : MR. R K D CHOUDHURY

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 20/01/2023
Suman Shyam, J

Heard Mr. S. Bikash, learned counsel for the petitioner. Also heard Ms. M. Bhattacharjee, learned Additional Senior Government Advocate, Assam, appearing for the respondent nos. 1, 2, 3, 6 & 7 and Mr. P. Sarmah, learned Standing Counsel, AFDC, appearing for the respondent nos. 4 and 5.

The allegation made in this Public Interest Litigation (PIL) is pertaining to the 173 numbers of illegal appointments made by the Assam Fisheries Development Corporation Ltd.

The petitioner has alleged that the services of all the 173 candidates illegally appointed by the AFDC have already been terminated but till today, no action has been taken against the erring officials, who are guilty of criminal misconduct. Therefore, a prayer has been made by the petitioner to direct the respondents to initiate high level enquiry by the CBI or any other independent agency to enquire into the matter and take appropriate action.

It appears that the petitioner had lodged a formal complaint on 21/07/2022 before the Chief Minister's Special Vigilance Cell, Assam and thereafter, again on 16/08/2022 another complaint was lodged by him before the Officer-in-Charge of the Vigilance and Anti Corruption Police Station,

Sreemantapur, Guwahati.

We also find that the Managing Director of the AFDC had himself lodged a complaint on 23/09/2022 before the Officer-in-Charge-cum Deputy Superintendent of Police, CID, Ulubari, Guwahati, Assam.

Mr. Sarmah submits that based on the complaint lodged by the MD of AFDC, a case has been registered on 23/09/2022 itself bearing CID PS case No. 17/2022 under sections 120(B)/420/467/468/471/409 of the Indian Penal Code (IPC) and the matter is being investigated by the CID, Assam. Mr. Sarmah has produced a copy of the communication dated 19/12/2022 issued by the Managing Director of the AFDC Ltd. in support of his above contention.

It appears that the CID PS case No. 17/2022 was registered on the basis of the complaint made by the Managing Director of AFDC and the matter is under investigation. If that be so, the primary grievance expressed in this PIL appears to have been addressed. Therefore, nothing survives for adjudication in this PIL at this stage.

We, however, hasten to note herein that it may so happen that even during the course of investigation, it might be found that the investigation is not being conducted in the right earnest and in accordance with law. In such an eventuality, there may be a fresh ground for this Court to look into the matter and if necessary, monitor the investigation, if a proper case is made out on facts. Therefore, giving liberty to the petitioner to approach this Court once again as and when a fresh cause of action arises, we close the PIL by providing that the authorities shall ensure that the investigation in the CID PS case No. 17/2022 is conducted in accordance with law and brought to its logical conclusion without undue delay.

With the above observation, the PIL stands closed.

JUDGE

JUDGE

sukhamay

Comparing Assistant