

GAHC010255362023



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

Case No. : WP(C)/6624/2023

DURLAV NARAYAN SINGHA
S/O LT. JATINDRA NARAYAN SINGHA, R/O VILL-SINDURAI PT.II, P.O.-
BELGURI, P.S.-AGOMONI, DIST-DHUBRI, ASSAM, PIN-783334

VERSUS

THE STATE OF ASSAM AND 7 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVT. OF ASSAM,
DISPUR, GHY-06

2:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
PERSONNEL DEPARTMENT
DISPUR
GHY-06

3:THE DISTRICT COMMISSIONER CUM DISCIPLINARY AUTHORITY
DHUBRI
ASSAM
PIN-783301

4:THE SUB-DIVISIONAL OFFICER (C)
BILASIPARA
DIST-DHUBRI
ASSAM
PIN-783348

5:THE CIRCLE OFFICER
CHAPAR REVENUE CIRCLE/TAHSIL OFFICE
CHAPAR
P.O. AND P.S.-CHAPAR
DIST-DHUBRI
ASSAM

PIN-783371

6:NOMITA DAS
PRESIDING OFFICER INTERNAL COMPLIANT COMMITTEE
C/O CIRCLE OFFICER
CHAPAR REVENUE CIRCLE/TAHSIL OFFICE
CHAPAR
DIST-DHUBRI
ASSAM
PIN-783371

7:SMTI. CHANDANA RAY
PROCESS SERVER (MTS)
CHAPAR REVENUE CIRCLE C/O CIRCLE OFFICER CHAPAR REVENUE
CIRCLE
CHAPAR
P.O. AND P.S.-CHAPAR
DIST-DHUBRI
ASSAM
PIN-783371

8:NAMRATA BORDOLOI
ACS
EXECUTIVE MAGISTRATE
BILASIPARA
P.O. AND P.S.-BILASIPARA
DIST-DHUBRI
ASSAM
PIN-78334

Advocate for the Petitioner : MR. M U MONDAL

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

22.11.2023

Heard Mr. M.U. Mondal, learned counsel for the petitioner. Also heard Mr. D. Borah, learned Government Advocate for the State.

2. This writ petition has been filed by the petitioner seeking for setting aside

and quashing of the order signed on 26.10.2023 issued by the disciplinary authority who is the District Commissioner of Dhubri to the petitioner framing charges under Rule 9(2) of the Assam Services (Discipline & Appeal) Rules, 1964 and giving an opportunity to the petitioner to submit his written statement/objection in defence within 10 days.

3. The petitioner's grievance is that relevant documents which were relied upon by the Internal Complaints Committee (ICC) including the complaint were never furnished to the petitioner and therefore, the enquiry conducted by the ICC is dehors the provision of Sexual Harassment of Women at Workplace Act, 2013 and the Rules framed thereunder as well as the Assam Services (Discipline & Appeal) Rules, 1964. Therefore, the order signed on 26.10.2023 issued by Deputy Commissioner, Dhubri is contrary to the provisions of law and therefore the same ought to be interfered with.

4. On 17.11.2023, this Court recorded the submissions of the learned Government Advocate that relevant documents of the complaint etc will be produced before the Court on the next date. Matter was directed to be listed today and prayer for interim order was required to be considered today.

5. Today when the matter is called up, Mr. D. Bora, learned Government Advocate appearing for the respondent has produced the copy of the communication dated 20.11.2023 by which the petitioner was furnished copies of the complaint, whatsapp messages, statement of the complainant, internal complaints committee report, magisterial enquiry report conducted in respect of the allegations alleged against the petitioner.

6. Mr. M.U. Mondal, learned counsel for the petitioner also submits on instruction that the copies as stated have been furnished to the petitioner by E-

mail. He acknowledges the receipt of the same.

7. In that view of the matter, since the primary ground for challenge of the impugned order dated 26.10.2023 is the non-furnishing of the relevant documents, considering the submissions at the bar that the relevant copies of the complaint petition and other documents have now been supplied to the petitioner, this Court is of the considered view that nothing further is required to be decided in the matter. Accordingly, the writ petition, therefore, stands closed.

8. Petitioner will appear before the authority concerned and furnishes written statements and participate in the proceeding if so advised.

9. Petitioner is also granted liberty to file appeal under the provisions of Sexual Harassment of Women at Workplace Act, 2013 as per procedure laid down.

10. Accordingly, the writ petition is disposed of in terms of the above. No order as to costs.

JUDGE

Comparing Assistant