

GAHC010265912022



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

Case No. : WP(C)/8380/2022

PALLAVI KALITA AND 3 ORS
W/O BHASKAR JYOTI DEKA, R/O BHIKAMJI CRYSTAL, FLAT NO. 7D,
TRIPURA ROAD, NEAR NERIM, JAYANAGAR, KHANAPARA, DIST-
KAMRUP (M), ASSAM, PIN-781022

2: SHANKAR BARBARA
S/O LT. AJIT KR. BARBARA
R/O JAYANAGAR
BELTOLA
DIST-KAMRUP (M)
ASSAM
PIN-781028

3: BANDANA DAS
W/O MADHURJYA NEOG
R/O HOUSE NO. 71-A
CHANDMARI
KRISHNA NAGAR
AEI
MILANPUR LINK ROAD
DIST- KAMRUP (M)
ASSAM
PIN-781003

4: MOHITOSH DEB
S/O LT. DULAL DEB
R/O CACHARI ROAD
NEAR DAKBANGLOW WARD NO. 9
P.O.-HAILAKANDI
DIST-HILAKANDI
ASSAM
PIN-78815

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY,
TRANSFORMATION AND DEVELOPMENT DEPARTMENT, GOVT. OF
ASSAM, DISPUR, GUWAHATI-06

2:THE COMMISSIONER AND SECRETARY
TRANSFORMATION AND DEVELOPMENT DEPARTMENT
GOVT. ASSAM
DISPUR
GUWAHATI-6

3:THE ADDITIONAL SECRETARY
TRANSFORMATION AND DEVELOPMENT DEPARTMENT
DISPUR
GUWAHATI-06

4:TEH DIRECTOR OF ECONOMICS AND STATISTICS
ASSAM
JAWAHAR NAGAR
BELTOLA
GUWAHATI-2

Advocate for the Petitioner : MR J ISLAM

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ACHINTYA MALLA BUJOR BARUA

O R D E R

02.01.2023

Heard Mr. J Islam, learned counsel for the petitioner, Mr. D Borah, learned Junior Government Advocate for the respondents in the Transformation and Development Department of the Government of Assam.

2. The four petitioners herein are presently serving as Sub Inspectors in the Directorate of Economics and Statistics, Assam. As per the final gradation list of Sub Inspectors of Statistics, the petitioners appear at Serial Nos. 14, 16, 17 and

18 respectively. Up to Serial No. 13 i.e. Promod Saikia, promotions have already been meted as per the said gradation list.

3. As per Rule 5(7) of the Assam Economic and Statistical Service Rule, 1973 (in short Rules of 1973), the cadre of Inspector of Statistics are to be filled up by promotion against 70% of the vacancies from the select list prepared for the purpose from amongst the Sub Inspectors of Statistics; 25% by direct recruitment and 5% by selection from Upper Division Assistants. It is stated that the quota of 25% for direct recruitment had already been exhausted and the remaining vacancies as per the Rules are now required to be filled up by promotion from the Sub Inspectors of Statistics.

4. The grievance of the petitioners are that although several posts of Inspectors of Statistics are lying vacant which are to be filled up by promotion from the Sub Inspectors of Statistics, the departmental authorities are not doing the needful to process the promotion claim of the petitioners.

5. In view of the nature of the grievance raised, we are of the view that the interest of justice would be met on a direction being issued to the Director of Economics and Statistics, Assam to examine the aspect as to whether a promotion process is required to be initiated against the vacant posts of Inspectors of Statistics from the Sub Inspectors of Statistics as per the final gradation list. If the Director upon examining the records is of the view that the promotion process is required to be initiated, necessary promotion process be undertaken and the claim of the petitioners for promotion be placed before the appropriate selection committee/DPC for further process. If the Director is of the view that under the law, the exercise of promotion is not required to be undertaken, a reasoned order be passed on the same and the petitioners be informed. The examination be done within a period of one month from the date

of receipt of a certified copy of this order. If the view of the Director is that a promotion process is required to be initiated, necessary action be done and completed within a period of another three months thereafter. If a promotion process is initiated, the Director to also take note that under the Rules, if the promotion process is not initiated in the same year in which the direct recruitment were made, the persons concerned may lose their seniority. If there was no reason on the part of the Director not to initiate the promotion process, the aforesaid aspect be taken note of and any legal right of the petitioners regarding seniority that may be violated be also taken due care of.

The writ petition is disposed of as indicated above.

JUDGE

Comparing Assistant