

GAHC010014122016



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

Case No. : WP(C)/2540/2016

SRI DANDI RAM KALITA and 2 ORS.
S/O LT. SRIKANTA KALITA, R/O TIHU TOWN, W/NO.3, P.O. and P.S. TIHU,
DIST- NALBARI, ASSAM

2: RANJIT MACHAHARY @ MUSAHARI
S/O CHANDRAKANTA MACHAHARY
R/O LECHERA
P.O. BETHUA
DIST- BARPETA
ASSAM
PIN-781325

3: JAY DEB CHANDRA RABHA
S/O THANESWER RABHA
R/O KALJHAR
P.O. KALJHAR
P.S. BARAMA
DIST- BAKSA
ASSAM
PIN-78134

VERSUS

THE STATE OF ASSAM AND 4 ORS
REP. BY THE COMMISSIONER AND SECY. TO THE GOVT. OF ASSAM,
DEPTT. OF HOME, DISPUR, GHY-6

2: THE COMMISSIONER AND SECY. TO THE GOVT. OF ASSAM
DEPTT. OF FINANCE
DISPUR
GHY-6

3: THE DIRECTOR GENERAL OF POLICE
ASSAM

B.K. KAKATI ROAD
ULUBARI
GHY-7

4:THE DIRECTOR GENERAL OF CIVIL DEFENCE AND COMMANDANT
GENERAL OF HOME GUARDS
ASSAM
BELTOLA
GHY-28

5:THE COMMANDANT
THE ASSAM SPECIAL RESERVE FORCE
BN. AT BARAMA
ASSA

Advocate for the Petitioner : MR.A L MANDAL

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

19.07.2024

Heard Shri A.L. Mandal, learned counsel for the petitioners. Also heard Shri A. Chakraborty, learned State Counsel.

At the outset, the learned counsel for the petitioners has submitted that though the petition was presented by 3 (three) nos. of petitioners, the petitioner no. 3 has passed away in the meantime and therefore, the existing petition is being pressed for the petitioner nos. 1 & 2 only.

It is submitted that the petitioner nos. 1 & 2 were appointed as Constables in the Assam Special Reserve Force Battalion in the year 1990 and 1991 respectively. The said Battalion is under the DIG Civil and Commandant. The grievance of the petitioners in this petition instituted in the year 2016 was not

providing them promotion. It is submitted that the petitioners had obtained the eligibility for such promotion to the next higher rank of Lance Naiks and Naik.

The learned counsel has however fairly informed this Court that during the pendency of this case, in the year 2023, his clients were promoted and are presently holding the post of Naik. Though the learned counsel has sought to bring the instance of certain other personnel who were appointed in the Assam Tea Plantation Security Force Battalion and had got promoted, since the petitioners are working under a different entity namely, ASRF Battalion, such comparison may not be relevant.

Shri Chakraborty, the learned State Counsel has submitted that by the disclosure made that the petitioners are presently holding the post of Naik indicates that they were given promotions first to the post of Lance Naik and then to the post of Naik. He accordingly submits that the grievances of the petitioners have been redressed.

After consideration of the rival submissions, this Court is of the opinion that the principle grievances of the petitioners have been substantially redressed.

The writ petition is accordingly disposed of. However, it is observed that the petitioners consideration for further promotion would be made if they are found to be eligible and in accordance with law.

JUDGE

Comparing Assistant