

GAHC010014872024



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

Case No. : WP(C)/369/2024

DIPANKAR BORUAH
S/O SRI SURESH BORUAH
R/O BLOCK 1, GF, SHING HEAVEN APARTMENT, SATGAON BAGHARBARI
ROAD, GUWAHATI, P.O. SATGAON, DIST. KAMRUP (M), ASSAM,
PIN-781171

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY, GOVERNMENT OF
ASSAM, PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT, ASSAM,
PANJABARI, GUWAHATI-37.

2:THE STATE MISSION DIRECTOR

ASSAM STATE RURAL LIVELIHOODS MISSION
(DEPARTMENT OF PANCHAYAT AND RURAL DEVELOPMENT) SIVA NATH
GOGOI PATH
PANJABARI
GUWAHATI
ASSAM
PIN-7810037

3:THE CHIEF FINANCIAL CONTROLLER
ASSAM STATE RURAL LIVELIHOODS MISSION
(DEPARTMENT OF PANCHAYAT AND RURAL DEVELOPMENT) SIVA NATH
GOGOI PATH
PANJABARI
GUWAHATI
ASSAM
PIN-7810037

4:THE DISTRICT PROJECT MANAGER

ASSAM STATE RURAL LIVELIHOOD MISSION
CHIRANG
ASSAM

PIN-78339

Advocate for the Petitioner : MR H BEZBARUA

Advocate for the Respondent : SC, P AND R.D.

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

29.01.2024

Heard Mr. H. Bezbarua, learned counsel for the petitioner. Also heard Mr. U. Sarma, learned counsel appearing on behalf of Mr. N.K. Dev Nath, learned Standing Counsel, P&RD.

2. The petitioner is employed as a State Project Manager (Financial Inclusion) under the Assam State Rural livelihood Mission. The petitioner was earlier attached as State Project Manager (Financial Inclusion) at District Mission Management Unit (DMMU) at Karimganj till 30.11.2023. Expressing difficulties, he has represented before the authorities concerned, however, instead of considering his application and representation more particularly his representation dated 11.12.2023 before the State Mission Director, Assam State Rural Livelihood Mission, he was instead again temporarily attached to DMMU, Chirang to look after the work of all vertical at DMMU, Chirang w.e.f. 01.01.2024 until further orders.

3. The limited grievance of the writ petitioner is that he has suffered grievous injuries earlier because of which he is required to regularly seek medical

treatment and advice and that he has been asked to undergo bed rest in terms of the medical advice. However, in spite of requests made before the authorities concerned, he was initially attached to Karimganj and therefore he requested the authorities concerned to permit him to work in his original place of posting at the State Head Office, Guwahati. Without considering this representation, the petitioner's earlier attachment order was altered and he was attached to DMMU, Chirang.

4. The learned counsel for the petitioner submits that his limited prayer is for disposal of his representation filed on 01.01.2024 which it is stated has not yet been disposed of. It is submitted that the petitioner is currently on medical leave.

5. Mr. U. Sharma, learned counsel appearing on behalf of Mr. N.K. Dev Nath, learned Standing Counsel, P&RD submits that the petitioner is required to go and join in his new place of posting and however till date he has not joined. He submits that the petitioner ought to have joined his new place of posting before approaching this Court.

6. Having heard learned counsel for the parties, this Court is of the view that since the prayer of the petitioner is limited to consideration of his representation dated 01.01.2024, this Court considers it appropriate to dispose of the writ petition at this stage directing the respondent No. 1 namely, Principal Secretary, Government of Assam Panchayat and Rural Development Department, Assam to dispose of the representation filed by the petitioner on 01.01.2024 before the concerned Minister of Panchayat and Rural Development. After the said representation is presented again before the respondent No. 1, within three days from the date of a receipt of certified copy of this order, the respondent No. 1 will thereafter consider the grievances of the petitioner and pass an

appropriate order thereon within thirty (30) days from the date of receipt of the said representation along with a certified copy of this order. Any order that is passed, copy thereof will be served on the writ petitioner.

7. The impugned order dated 26.12.2023 shall remain stayed till disposal of the representation by the respondent No. 1 as directed above.

8. In terms of the above, the writ petition stands disposed of.

JUDGE

Comparing Assistant