

GAHC010022302024



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

Case No. : WP(C)/551/2024

DEBAJIT DAS
S/O LATE DHARANI DHAR DAS, R/O HOUSE NO. 1, ELORA PATH, BYE
LANE OF AJANTA PATH, BELTOLA, GUWAHATI-781028, DIST- KAMRUP (M),
ASSAM

VERSUS

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

2:THE SPECIAL COMMISSIONER AND SPECIAL SECRETARY TO THE
GOVERNMENT OF ASSAM
PUBLIC WORKS ROADS DEPTT
DISPUR
GUWAHATI-6

3:THE SPECIAL COMMISSIONER AND SPECIAL SECRETARY TO THE
GOVERNMENT OF ASSAM
PUBLIC WORKS (BUILDING AND NH WORKS) DEPARTMENT
DISPUR
GUWAHATI-6

4:THE SECRETARY TO THE GOVERNMENT OF ASSAM
HOME AND POLITICAL (VIGILANCE) DEPARTMENT
DISPUR
GUWAHATI-6

5:THE SECRETARY TO THE GOVERNMENT OF ASSAM
PUBLIC WORKS ROADS DEPARTMENT
DISPUR
GUWAHATI-6

6:THE SECRETARY TO THE GOVERNMENT OF ASSAM
PUBLIC WORKS (ROADS DEPARTMENT
DISPUR
GUWAHATI-6

7:THE DEPUTY SECRETARY TO THE GOVERNMENT OF ASSAM
ESTABLISHMENT AND CONFIDENTIAL CELL
PWRD
DISPUR
GUWAHATI-

Advocate for the Petitioner : MR. K N CHOUDHURY

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE LANUSUNGKUM JAMIR

ORDER

Date : 16.02.2024

Heard Mr. K. N. Choudhury, learned Senior counsel assisted by Mr. D. P. Borah, learned counsel for the petitioner. Also heard Mr. D. Bora, learned Govt. Advocate for the respondent Nos. 1 and 4 and Mr. P. Nayak, learned standing counsel, PWD for the respondent Nos. 2, 3, 5, 6 and 7.

2. The petitioner is presently holding the post of Addl. Chief Engineer in the Department of Public Works Roads Department. By a Notification dated 11.01.2024, issued by the Special Commissioner and Special Secretary to the Govt. of Assam, Public Works Roads Department, the Gradation List of the Addl. Chief Engineer (Civil) PWD was notified, wherein, the name of the petitioner appears at Sl. No. 2. It is the case of the petitioner that the person at Sl. No.1 in the said Notification dated 11.01.2024 was already promoted to the post of Chief Engineer and has retired on 31.01.2024.

3. The case of the petitioner before this Court is that his case should be considered for promotion to the post of Chief Engineer inasmuch as, there are five vacancies available in the cadre of Chief Engineer. The further case of the petitioner is that the Regular Enquiry vide RE No.78(12) of 2017 is pending against the petitioner, however, till date, no charge sheet has been filed.

4. This Court on 12.02.2024 directed the learned standing counsel, PWD to take instructions whether charge sheet has been filed in the said regular enquiry. Today, when the matter is called up, the learned standing counsel, PWD submits that no charge sheet has been filed in the regular enquiry pending against the petitioner.

5. Recording the submission made by the learned standing counsel, PWD, this Court is of the considered opinion that there is no further impediment on the part of the respondents to consider the case of the petitioner for promotion to the post of Chief Engineer, PWD. Accordingly, the DPC is directed to consider the case of the petitioner for promotion to the post of Chief Engineer, PWD within a period of 2(two) weeks from the date of receipt of the copy of the order.

6. Thereafter, consequential order(s) shall be passed by the concerned authority forthwith.

7. With the above observations and directions, this writ petition is disposed of.

JUDGE

Comparing Assistant