

GAHC010025402017



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

Case No. : WP(C)/3350/2017

HABIB ALI
S/O LATE TAIMUS ALI, R/O SETTLEMENT A.R.C. ROAD, WARD NO.1, PO-
SETTLEMENT, DIST. KARIMGANJ, ASSAM, PIN-788712

VERSUS

THE STATE OF ASSAM and 2 ORS.
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,
AGRICULTURE DEPTT., HAVING HIS OFFICE AT DISPUR, GUWAHATI-
781006, DIST. KAMRUP METRO, ASSAM

2:THE ASSAM STATE AGRICULTURAL MARKETING BOARD
REP. BY ITS CHIEF EXECUTIVE OFFICER
HAVING HIS OFFICE AT RAM KRISHNA MISSION ROAD
ULUBARI
GUWAHATI-781007. DIST. KAMRUP METRO
ASSAM

3:THE BOHARIHAT REGULATED MARKET COMMITTEE
REP. BY ITS SECRETARY
HAVING ITS OFFICE AT BOHARI
DIST. BARPETA
ASSA

Advocate for the Petitioner : MRG P BHOWMIK

Advocate for the Respondent : SC. AGRICULTURE

**BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY**

ORDER

16.02.2024.

1. Heard Mr. D. Kalita, learned counsel for the petitioner. Also heard Mr. N. J. Gogoi, learned counsel representing the Marketing Board and Ms. G. Bora, learned counsel representing the Agricultural Department.
2. The petitioner who is an employee under Assam State Agricultural Marketing Board established in exercise of power under Section 3 of Assam Agricultural Produce Market Act, 1972. It is the case of the petitioner that he was engaged as LDA on 01.07.2000 under Karimganj District Regulated Market Committee and by virtue of his seniority, he was entitled for promotion to the next higher grade of Marketing Inspector under the Assam State Agricultural Marketing Board. However, according to the petitioner, ignoring his case, two other LDAs junior to the petitioner, were promoted to the post of Marketing Inspector on 30.01.2016 pursuant to an order passed by this Court on 15.06.2007 in WP(C) No. 2921/2007. The order of promotion issued in favour of the other two LDAs is not under challenge.
3. The case of the petitioner is that a vacancy of Marketing Inspector is still there and the case of the petitioner is required to be considered against the said vacancy.
4. In the aforesaid backdrop, the learned counsel for the petitioner submits that the case of the petitioner may be directed to be considered for promotion in terms of Service Rule governing the field.

5. Mr. N. J. Gogoi, learned counsel representing the Marketing Board submits that he will have no objection, if the writ petition is disposed of for consideration of the case of the petitioner in terms of the rules governing the field.
6. Ms. G. Bora, learned counsel representing the Agricultural Department has also expressed her no objection to such a course of action.
7. In view of the consensus at the bar and taking note of the principle of law that right of consideration for promotion is a valuable right, the instant writ petition stands disposed of directing the respondent No. 2 to consider the case of the petitioner for promotion to the next higher grade if he is within the zone of consideration as per the extant norms/rules and vacancy exists.
8. The petitioner shall be at liberty to file a representation before the respondent No. 2 within a period of three weeks from today. In the event, such representation is filed before the respondent No. 2, same be considered in terms of the present order within a period of four weeks thereafter.
9. The determination made be intimated to the petitioner.
10. This writ petition stands disposed of.

JUDGE

Comparing Assistant