

GAHC010027632024



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

Case No. : WP(C)/1085/2024

GIAS UDDIN AHMED
S/O LATE ALAUDDIN AHMED, R/O CHENIKUTHI, HOUSE NO. 36, M.C.
ROAD, P.O.-UZAN BAZAR, P.S.-LATASIL, DIST-KAMRUP (M), ASSAM, PIN-
781003

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, IRRIGATION DEPARTMENT, ASSAM, DISPUR, GUWAHATI-
781006

2:THE SECRETARY TO THE GOVT. OF ASSAM
IRRIGATION DEPARTMENT
DISPUR
GUWAHATI-781006

3:THE CHIEF ENGINEER (IRRIGATION)
ASSAM
CHANDMARI
GUWAHATI-781003

4:THE CHIEF ENGINEER (MINOR IRRIGATION)
ASSAM
CHANDMARI
GUWAHATI-781003

5:THE EXECUTIVE ENGINEER
GUWAHATI DIVISION (IRRIGATION)
CHANDMARI
GUWAHATI-78100

Advocate for the Petitioner : MR J ABEDIN

Advocate for the Respondent : SC, IRRIGATION

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

28.02.2024

Heard Mr. A.M. Ahmed, learned counsel for the petitioner. Also heard Ms. D.S. Neog, learned Standing Counsel, Irrigation Department for the respondents.

2] This writ petition is filed by the petitioner who claims to have been put under suspension with effect from 25.08.2014 while he was serving as an Assistant Executive Engineer, Irrigation Department under Guwahati. It is the submission of the learned counsel for the petitioner that being aggrieved the petitioner had filed an appeal dated 27.06.2018 before the competent authority, namely, the Secretary to the Government of Assam, Irrigation Department. However, the same is still pending and no order has been passed till date.

3] Learned counsel for the petitioner submits that since the date of suspension of the petitioner, which is 25.08.2014, he was kept under suspension and no substance allowances has been paid and the departmental proceedings although initiated have not been completed against the petitioner. However, in the meantime he has superannuated on 31.10.2023. Although in the writ petition the petitioner has prayed for *inter alia* setting aside of the suspension order dated 25.08.2014,

however, in view of the statement made that the petitioner has been superannuated on 31.10.2023, this prayer has become infructuous.

4] Ms. D.S. Neog, learned Standing Counsel, Irrigation Department on instructions submits that the enquiry instituted against the writ petitioner has been completed and the matter is presently pending before the Assam Public Service Commission (hereinafter referred to as *APSC*) for their views and once the views are received, appropriate order will be passed by the Disciplinary Authority in this regard.

5] Taking into account the submissions made by the learned counsel for the parties and also taking note of representation stated to have been filed by the petitioner on 17.08.2023 and which is also stated to have been pending before the Secretary to the Government of Assam, Irrigation Department, this Court is of the view that since the petitioner has superannuated with effect from 31.10.2023, the prayer for interference of the suspension order need not be issued. However, the petitioner is entitled to pay all his subsistence allowances as per the procedure prescribed under the law, if that amount has not already been released.

6] Taking into consideration the submissions of the learned Standing Counsel, Irrigation Department that the Disciplinary proceedings have already been completed and the enquiry report having been submitted and the matter is awaiting approval of their views of the APSC, pursuant to which the order will be

passed by the Disciplinary Authority, it is expected that the APSC will render its views at the earliest and thereafter, the Disciplinary Authority will pass necessary order on the basis of the enquiry report stated to have been submitted by the Enquiry Officer and a copy thereof be furnished to the writ petitioner. This entire exercise shall be completed within a period of 60 (sixty) days from the date of receipt of a certified copy of this order. The directions for release of subsistence allowance and other dues payable to the petitioner during the period of suspension be carried out within a period of 15 (fifteen) days from the date of receipt of a certified copy of this order.

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

JUDGE

Comparing Assistant