

GAHC010186052022



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

Case No. I.A.(Civil)/538/2024

CHINMOY BARUAH
S/O. LT. R.K. BARUAH
R/O. MELACHAK
P.O. AND P.S. SIVASAGAR
DIST. SIVASAGAR
ASSAM
PIN-785640.

VERSUS

THE STATE OF ASSAM AND 3 ORS.
REP. BY THE SECRETARY TO THE GOVT. OF ASSAM
URBAN DEVELOPMENT DEPTT.
DISPUR
GUWAHATI-781006.

2:THE DIRECTOR OF MUNICIPAL ADMINISTRATION ASSAM

DISPUR
GUWAHATI-781006.
3:AMGURI MUNICIPAL BOARD

REP. BY ITS CHAIRMAN
P.O. AND P.S. AMGURI
DIST. SIVASAGAR
ASSAM
PIN-785680.
4:THE EXECUTIVE OFFICER

AMGURI MUNICIPAL BOARD
P.O. AND P.S. AMGURI
DIST. SIVASAGAR

ASSAM
PIN-785680.

Advocate for : MR H RAHMAN

Advocate for : GA

ASSAM appearing for THE STATE OF ASSAM AND 3 ORS.

Linked Case : **WP(C)/6028/2022**

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Advocate for the Petitioner : MR H RAHMAN

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

Date : -26.02.2024

Heard Mr. H. Rahman, learned counsel for the applicant. Also heard Ms. A. Talukdar, learned Government Advocate.

The applicant/petitioner has approached this Court by filing the connected writ petition praying for a direction to set aside the discharge order dated 24.03.2020 issued by the Chairman Amguri Municipal Board and a further direction to reinstate the writ petitioner.

During the pendency of the writ petition an order dated 05.02.2024 was issued by the Executive Officer, Amguri Municipal Board, thereby the petitioner was reinstated as an employee of Amguri Municipal Board with effect from 06.02.2024. This according to the writ petitioner/applicant is an order which does not comply with the earlier orders passed by the Court whereby the petitioner/applicant was asked to be reinstate in his earlier post as Assistant Tax Daroga.

Learned counsel for the applicant/petitioner submits that this order merely reflects that he is reinstated as an employee of the Amguri Municipal Board that to with effect from 06.02.2024. Therefore, the Interlocutory Application has been filed praying for necessary orders.

During the course of the argument, Mr. H. Rahman, however sought liberty of the Court to file a fresh writ petition assailing the impugned order dated 05.02.2024 as well as the arrear benefit which are not yet released in

respect of the writ petitioner.

In view of such submissions the Interlocutory Applicant stands closed giving liberty to the writ petitioner to file a writ petition assailing the order dated 05.02.2024 as it is a fresh causes of action.

Interlocutory Application stands disposed of in terms of the above.

JUDGE

Comparing Assistant