

GAHC010039312024



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

Case No. : WP(C)/1102/2024

DR. RAJANI KANTA NATH
S/O- LATE RUDRA KANTA NATH, R/O- VILL- SANTI NAGAR, HOUSE NO.
7A, BYE-LANE NO.2 (NAMGHAR PATH), P.O. KAHILIPARA, P.S. DISPUR,
DIST.- KAMRUP (M), ASSAM, PIN- 781019

VERSUS

THE STATE OF ASSAM AND 6 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM,
ANIMAL HUSBANDRY AND VETERINARY DEPARTMENT, DISPUR,
GUWAHATI-6, DIST- KAMRUP (M), ASSAM

2:THE SECRETARY TO THE GOVERNMENT OF ASSAM
ANIMAL HUSBANDRY AND VETERINARY DEPARTMENT
DISPUR
GUWAHATI-6
DIST- KAMRUP (M)
ASSAM

3:THE PRINCIPAL SECRETARY
BTR
KOKRAJHAR
P.O. BODOFA NWGWR
PIN- 783370
DIST.- KOKRAJHAR
ASSAM

4:THE DIRECTOR
ANIMAL HUSBANDRY AND VETERINARY DEPARTMENT
CHENIKUTHI
P.O. CHENIKUTHI
GUWAHATI-03

DIST- KAMRUP (M)
ASSAM

5:THE DIRECTOR
ANIMAL HUSBANDRY AND VETERINARY DEPARTMENT
BTC
KOKRAJHAR
P.O. TITAGURI
PIN- 783370
DIST- KOKRAJHAR
ASSAM

6:THE PRINCIPAL ACCOUNTANT GENERAL (A AND E)
ASSAM
MAIDAMGAON
BELTOLA
GUWAHATI- 29
DIST.- KAMRUP (M)
ASSAM

7:THE TREASURY OFFICER
KOKRAJHAR TREASURY
P.O. KOKRAJHAR
PIN- 783370
DISTRICT- KOKRAJHAR
ASSA

Advocate for the Petitioner : MR. D BORAH, MR. R DOWARAH

Advocate for the Respondent : DY.S.G.I., SC, A.H and V. DEPT.,MS. M M KOTOKY,GA,
ASSAM,SC, BTC,SC, FINANCE

BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM

ORDER

Date : 23/09/2024

Heard Mr.D. Borah, learned counsel for the writ petitioner. Also heard Ms. M.M. Kaotoky, learned Standing Counsel, AH & Vety. Department and Mr. P.Nayak, learned Standing Counsel, Finance Department, Assam, appearing for the official respondents.

Aggrieved by the order of suspension, the petitioner has approached this Court by filing the

instant writ petition.

Today, when the matter is called up, Ms. Kotoky has produced a copy of the notification dated 20/09/2024 to submit that the order of suspension issued in respect of the petitioner has already been revoked whereafter, he has been transferred and posted as Officer-in-Charge, ICDP, Silchar, Cachar with effect from the date of taking over charge.

If that be so, the cause of action for filing of this writ petition does not survive any more.

If the petitioner is aggrieved due to violation of any of his service condition or on account of initiation of departmental proceeding against him, the said aspect of the matter cannot be examined in this writ petition since there is neither any prayer to that effect nor is there any pleading in support such a contention.

As such, by granting liberty to the petitioner to institute appropriate legal proceeding ventilating his grievance, as and when proper cause of action is available, this writ petition stands closed.

JUDGE

sukhamay

Comparing Assistant