

GAHC010044322024



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

Case No. : WP(C)/1318/2024

DURLAV NARAYAN SINGHA
S/O -LT. JATINDRA NARAYAN SINGHA R/O- VILL- SINDURAI PT .II P.O-
BELGURI P.S- AGOMONI DIST- DHUBRI, ASSAM.

VERSUS

THE STATE OF ASSAM AND 7 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVT. OF ASSAM,
DISPUR, GHY -06

2:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
PERSONNEL DEPARTMENT
DISPUR
GHY -06.

3:THE DISTRICT COMMISSIONER
DHUBRI
ASSAM. PIN - 783301

4:THE SUB- DIVISIONAL OFFICER (C) BILASIPARA
DIST- DHUBRI
ASSAM. PIN - 783348.

5:THE CIRCLE OFFICER
CHAPAR REVENUE CIRCLE/TAHSIL OFFICE

CHAPAR
P.O AND P.S- CHAPAR
DIST- DHUBRI
ASSAM. PIN - 783371.

6:NOMITA DAS

PRESIDING OFFICER INTERNAL COMPLAINT COMMITTEE C/O- CIRCLE
OFFICER
CHAPAR REVENUE CIRCLE/TAHSIL OFFICER
CHAPAR
P.O AND P.S- CHAPAR
DIST-DHUBRI
ASSAM. PIN - 783371.

7:CHANDANA ROY
PROCESS SERVER (MTS)
CHAPAR REVENUE CIRCLE C/O- CIRCLE OFFICER CHAPAR REVENUE
CIRCLE
CHAPAR
P.O AND P.S- CHAPAR
DIST- DHUBRI
ASSAM. PIN - 783371.

8:NAMRATA BAROOA
ACS
EXECUTIVE MAGISTRATE
BILASIPARA
P.O AND P.S- BILASIPARA
DIST- DHUBRI
ASSAM
PIN -78334

Advocate for the Petitioner : MR. M U MONDAL

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

Date : 22.04.2024

Heard Mr. M.U. Mondal, learned counsel for the petitioner. Also heard Mr. C. S. Hazarika, learned Government Advocate.

2. This writ petition is filed by the petitioner putting to challenge the order dated 5th October, 2023 issued by the Deputy Commissioner, Dhubri by which the petitioner was placed under suspension with effect from the date of the

issue of the order.

3. The writ petitioner is serving as a Senior District Administrative Assistant at the Chapar Revenue Circle, Chapar District. The petitioner during his service was served upon a notice by the Executive Magistrate in connection with a complaint petition received alleging sexual harassment at workplace. The notice was served without furnishing a complaint petition, the preliminary enquiry report and findings of the enquiry committee.

4. The petitioner submitted his apology. Thereafter, the petitioner had approached this Court by filing WP(C)/6624/2023 and WP(C)/6202/2023. WP(C)/6202/2023 came to be dismissed by order dated 10.11.2023, as the same was withdrawn. Subsequently, WP(C)/6624/2023 came to be disposed of by order dated 22.11.2023, whereby the petitioner was permitted to appear before the authority concerned to furnish written statements and participate in the proceedings as it was stated at the bar that relevant copies of the compliant petition and other documents have been furnished to the writ petitioner. Liberty was also granted to file an appeal with provisions of sexual harassment of women at workplace (Prevention, Prohibition and Redressal) Act, 2013 as per the procedure laid down. Pursuant to that the petitioner appeared before the authority and the proceedings had commenced an appeal has also been filed before the Chief Secretary, Government of Assam.

5. Mr. C.S. Hazarika, learned Government Advocate submits that the appellate authority in respect of the appeal filed by the petitioner is the Commissioner and Secretary, General Administration Department, Government of Assam. The copy of the appeal filed before the Chief Secretary has already been marked and forwarded to the Commissioner and Secretary, General Administration Department, Government of Assam and the matter is presently

pending before the Commissioner and Secretary, General Administration Department, Government of Assam.

6. Since the proceedings against the writ petitioner has already been completed and the matter is at the stage of the appeal pending before the appellate authority. At this stage, this Court is not inclined to interfere with the impugned suspension order dated 05.10.2023, however, it is directed that the appellate authority, namely, the Commissioner and Secretary, General Administration Department, Government of Assam will expeditiously disposed of the appeal within a period of 30 (thirty) days from the date of receipt of a certificate of this order.

7. Upon such disposal of the appeal, the competent authority who had placed the petition under suspension, namely, the District Commissioner, Dhubri will also consider the requirement of placing the petitioner under continued suspension as was done by the earlier order dated 05.10.2023. This direction to the Commissioner and Secretary, General Administration Department, Government of Assam is issued notwithstanding the same are not arrayed as a party in view of the statements of the learned Government Advocate that the competent appellate authority in respect of the appeal filed by the petitioner is the Commissioner and Secretary, General Administration Department, Government of Assam and the copy of the appeal has already been forwarded to the Commissioner and Secretary, General Administration Department, Government of Assam by the Chief Secretary, Government of Assam. Since the Commissioner and Secretary, General Administration Department, Government of Assam is not a party respondent, copy of this order be marked to the office of the Chief Secretary to be forthwith forwarded to the office of the General Administration Department for due compliance.

8. With the above observation the writ petition stands disposed of. The subsistence allowance including arrear salaries, if not released to the writ petitioner during his period of suspension, shall be released forthwith within a period of two (2) weeks from the date of the certified copy of this order.

9. Writ petition is accordingly, disposed of. No order as to cost.

JUDGE

Comparing Assistant