

GAHC010047842024



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

Case No. : WP(C)/1353/2024

SRI DEBASHIS HAZARIKA
S/O- SHRI ABANI MOHAN HAZARIKA, PRESENTLY SERVING AS SENIOR
INSPECTOR/AUDITOR OF THE CO-OPERATIVE SOCIETIES, KAMRUP, R/O-
FATASHIL AMBARI, HOUSE NO 25, NRIPEN BORA PATH, DISTRICT-
KAMRUP (M), P.S. FATASHIL, GUWAHATI- 781025, ASSAM

VERSUS

THE UNION OF INDIA AND 4 ORS
REPRESENTED BY SENIOR PRINCIPAL SECRETARY, ELECTION
COMMISSION OF INDIA, NIRVACHAN SADAN, ASHOKA ROAD, NEW
DELHI- 110001

2:PRINCIPAL SECRETARY TO THE GOVERNMENT OF ASSAM
CO-OPERATION DEPARTMENT
DISPUR- 781006

3:REGISTRAR OF CO-OPERATIVE SOCIETIES OF ASSAM
KHANAPARA
GUWAHATI- 781022

4:ZONAL JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES
GUWAHATI ZONE
BHANGAGARH
GUWAHATI
781005

5:DISTRICT DEPUTY REGISTRAR OF CO-OPERATIVE SOCIETIES
KAMRUP
BHANGAGARH
GUWAHATI
78100

Advocate for the Petitioner : MR. M K DAS

Advocate for the Respondent : SC, CO OP

**BEFORE
HONOURABLE MR. JUSTICE NELSON SAILO**

ORDER

22.03.2024

The petitioner who is a Senior Inspector/Auditor under the Co-operation department has been transferred from Office of the Deputy Registrar of Co-operative Societies, Kamrup to the Office of the Co-operation Societies, Silchar vide the impugned Notification dated 25.02.2024. According to the petitioner, he also being the Sector Officer is not covered by the transfer policy. This apart, the petitioner's parents are already in the advanced age and that his mother is suffering from chronic kidney disease requiring regular dialysis. His father is already aged 82 years and that in the month of February, his brother had also expired. Because of his family condition, he is required to look after his parents and therefore, prays that the impugned transfer order be interfered with by this Court. The petitioner also contends that the representation was submitted to the Principal Secretary to the Govt. of Assam, Co-operation Department on 28.02.2024 by his mother but the same has neither been considered nor disposed by the authority concerned.

Mr. V Rajkhowa, learned Standing Counsel, Co-operation department, on the other hand, submits that the petitioner has been posted in his present place of posting for more than 3 years and therefore, he cannot claim to remain in the same place in perpetuity. The learned counsel submits that since the representation of the petitioner is pending before the authority concerned, the same may be direct to be considered.

Considering the projection made by the petitioner and having regard to the fact that the representation submitted by the petitioner's mother is pending as on today, the writ petitioner is disposed of with a direction to the respondent No. 2 to examine and consider the said representation submitted on 28.02.2024 and to take a decision within a period of 15 days from the date of receipt of a certified copy of this Order.

It is further provided herein that till disposal of the representation by the authority concerned, status quo as on today shall be maintained.

With the above observation and direction, the writ petition stands disposed of.

JUDGE

Comparing Assistant