

GAHC010059522022



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

Case No. : WP(C)/2233/2022

ALTAF HUSSAIN MOZUMDER
S/O LT MAHMUD HUSSAIN MAZUMDER, R/O HAILAKANDI TOWN WARD
NO. 3, R.P ROAD, P.S. AND DIST-HAILAKANDI (ASSAM)

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVT OF ASSAM,
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT, DISPUR,
GUWAHATI-06

2:THE COMMISSIONER AND SECRETARY TO THE GOVT OF ASSAM
PUBLIC HEALTH ENGINEERING DEPARTMENT
DISPUR
GUWAHATI-06

3:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
FINANCE DEPARTMENT
DISPUR
GUWAHATI-06

4:THE COMMISSIONER
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT
PANJABARI
JURIPAR
GUWAHATI-37

5:THE CHIEF ENGINEER
PUBLIC HEALTH ENGINEERING
CHANDMARI
GUWAHATI-0

Advocate for the Petitioner : MR. A H M R CHOUDHURY

Advocate for the Respondent : SC, P AND R.D.

**BEFORE
HONOURABLE MR. JUSTICE KARDAK ETE**

ORDER

Date : 20.06.2024

Heard Mr. A.H.M.R. Choudhury, learned counsel for the petitioner. Also heard Mr. P. Handique, learned standing counsel, P&RD Department.

The challenge made in this writ petition is to the notification dated 07.02.2022, whereby the petitioner has been reverted back to his parent department i.e. PHE department, Govt. of Assam from P&RD department.

The petitioner has prayed for a direction to permanently absorb him in the P&RD department.

Record reveals that the petitioner was sent on deputation to the P & RD department on 29.03.2001 as Junior Engineer and allowed to continue in the P & RD department till he was reverted back to his parent department.

It is settled position of law that the deputationist has no indefeasible right to claim for permanent absorption in the borrowing department.

Mr. P. Handique, learned standing counsel submits that the petitioner has already retired on 30.04.2023. Therefore, the matter has become infructuous.

Having considered on merit and considering the fact that the petitioner has already retired from service on 30.04.2023, I am of the view that the matter has become infructuous.

Accordingly, the writ petition is dismissed as infructuous.

Interim order, if any, passed earlier stands vacated.

Ms. M. Kalita, learned standing counsel, PHE, Assam and Ms. R.M. Barua, learned standing counsel, Finance Department are present.

JUDGE

Comparing Assistant