

GAHC010064412021



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

Case No. : Cont.Cas(C)/186/2021

TAHER BARBHUIYA
S/O ROBIUL RAHMAN BARBHUIYA, R/O VILL. DHANEHARI PART-II, P.O.
SILDUBI, DIST. CACHAR, ASSAM.

VERSUS

J.B. EKKA, IAS,
PRINCIPAL SECY., PANCHAYAT AND RURAL DEVELOPMENT DEPTT.,
ASSAM F BLOCK, 3RD FLOOR, DISPUR, GUWAHATI 781006

Advocate for the Petitioner : MR M J QUADIR

Advocate for the Respondent : MR. M NATH

BEFORE
HONOURABLE MR. JUSTICE LANUSUNGKUM JAMIR

ORDER

Date : 14.03.2024

Heard Mr. M. J. Quadir, learned counsel for the petitioner. Also heard Mr. M. Nath, learned Senior counsel assisted by Ms. D. N. Deka, learned counsel for the sole respondent.

2. By this writ petition, the petitioner is alleging willful disobedience of the order dated 29.01.2021, passed by this Court in WP(C)/311/2021. The relevant portion of the order dated 29.01.2021 reads as under:

“In view of the above, I dispose of this writ petition on withdrawal by granting 7 days time to the petitioner to file appropriate representation before the respondent No.1. If such a representation is filed within a week from today, accompanied by a certified copy of this order, the respondent No.1 shall consider the same and take appropriate decision in the matter as expeditiously as possible, preferably within three weeks from the date of receipt of the representation.

Writ petition stands closed.”

3. Pursuant to the order dated 29.01.2021, the petitioner made his representation on 02.02.2021. Thereafter, the Commissioner and Secretary, P&RD Department by a communication dated 05.05.2021 addressed to Commissioner, Panchayat & Rural Development Assam directed to conduct an enquiry into the matter and submits report immediately within 10.05.2021 and also directed to maintain status quo on the implementation of the schemes under Integrated Natural Resource Management Schemes. Consequent to the enquiry conducted, the two officials were penalized by withholding of 1(one) successive increment with cumulative effect and by two orders both dated 07.02.2024 two officials were terminated from their service.

4. Mr. M. J. Quadir, learned counsel for the petitioner submits that the contempt proceedings against the petitioner should be initiated inasmuch as the directions passed by this Court on 29.01.2021 has not be complied with.

5. However, on consideration of the materials available on record, particularly, the affidavit filed by the sole respondent, this Court is of the considered opinion that substantial compliance has been made by the sole respondent.

6. Accordingly, contempt petition is closed.

JUDGE

Comparing Assistant