

GAHC010072532024



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

Case No. : WA/121/2024

DIBYAJYOTI BORAH AND 6 ORS
S/O- LATE UPEN BORAH, R/O- CHARIGAON BHARALI CHUK, DIST.
JORHAT, ASSAM, PIN- 785010.

2: HEMEN KAKATI
S/O- LATE HARI CHARAN KAKATI
R/O- VILL.- JANIA
DIST. BARPETA
ASSAM, PI- 781314.

3: BABUL KURMI
S/O- RAGHUNATH KURMI
R/O- VILL- TIPOMIA NATUN MATI
DIST. JORHAT
ASSAM, PIN- 785630.

4: RAJENDRA SINGHA
S/O- LATE RABINDRA SINGHA
R/O- HOUSE NO. 69
UDAY NAGAR
KAINADHARA
KHANAPARA
DIST. KAMRUP(M)
ASSAM, PIN- 781022.

5: MIRAJUL HOQUE CHOUDHURY
S/O- LATE SAMSUL HOQUE
R/O- VILL.- LACHIT ROAD
HOWLY, DIST. BARPETA
ASSAM
PIN- 781316.

6: NAYANMANI DAS
S/O- LATE HARAKANTA DAS

R/O- HOUSE NO. 13
WARD NO. 12
FATASHIL (KAILASHPUR)
DIST- KAMRUP(M)
ASSAM, PIN- 781009.

7: MRINAL KUMAR BORAH
S/O- LATE MONI RAM BORAH
R/O- VILL.- CHAKARIGAON
DIST. NAGAON
ASSAM, PIN-782003

VERSUS

THE STATE OF ASSAM AND ANR B
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, ENVIRONMENT AND FOREST DEPARTMENT,
DISPUR, GHY-781006.

2:THE PRINCIPAL CHIEF CONSERVATOR OF FOREST AND HEAD OF
FOREST FORCE
ASSAM, PANJABARI
GHY-781037

For petitioner(s)/appellant(s) : Mr. S. Banik, Advocate

For respondent(s) : Mr. P.N. Goswami, Addl. AG, Assam

-BEFORE-
HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI
HON'BLE MR. JUSTICE KAUSHIK GOSWAMI

27.11.2024

Mr. P.N. Goswami, learned Additional Advocate General, Assam, appearing for the State respondents has submitted that pursuant to the directions given by the learned Single Judge in WP(C) No. 5299/2022, the respondents have restored the promotion granted to the appellant Nos. 1, 2, 3, 4, 6 and 7, vide order dated 04.10.2024. It is submitted that in respect of appellant No. 5, the order could not be complied with as the respondent No. 5 was under suspension. However, the respondent No. 5 has now

been reinstated in service and consequential order would be passed very soon in compliance with the order passed by the learned Single Judge.

It is submitted that since the order dated 01.02.2024, passed by the learned Single Judge in WP(C) No. 5299/2024 has been complied with, the respondents may be given the liberty to proceed further in respect of the Show Cause Notice dated 12.02.2024, issued to the appellants.

Mr. Goswami, has produced copies of the dated 31.08.2024 and the above-referred consequential promotion order dated 04.10.2024, issued by the Principal Chief Conservator of Forests and Head of Forest Force, Assam.

Learned counsel for the appellants is not in a position to dispute the above fact.

In such circumstances, this writ appeal is disposed of with liberty to the respondent authorities to proceed further in respect of the Show Cause Notice dated 12.02.2024, issued to the appellants, and conclude the said proceedings expeditiously, in accordance with law, within a period of one month from the date of receipt of a certified copy of this order.

Copies of the orders dated 31.08.2024 and 04.10.2024, produced by Mr. Goswami are taken on record.

JUDGE

CHIEF JUSTICE

Comparing Assistant