

GAHC010094492024



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

Case No. : Cont.Cas(C)/252/2024

SAMIDUR RAHMAN
S/O-LATE ANSER ALI SARKAR,
R/O- VILLAGE-ASHARIKANDI,
P.S- GAURIPUR,
DIST- DHUBRI, ASSAM,
PIN-783331

2: SOFIOR RAHMAN
S/O-MD. SORMAN ALI

R/O- VILLAGE-RIVER BLOCK NO-11

P.O- MAJERCHAR

P.S AND DIST- DHUBRI
ASSAM

PIN-783325

3: SUKUR ALI
S/O-LATE LALCHAND MOLLAH

R/O- VILLAGE-ALOMGANJ PART IX

P.O- GAURIPUR

DIST- DHUBRI
ASSAM

PIN-783339

4: NOZRUL ISLAM AHMED
S/O-NOMEZ UDDIN AHMMED

R/O- VILLAGE-ALOMGANJ PART I

P.O- GAURIPUR

DIST- DHUBRI
ASSAM

PIN-78333

VERSUS

NIRAJ VERMA IAS
PRINCIPAL SECRETARY/ COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, DEPTT. OF POWER ELECTRICITY, DISPUR, GUWAHATI-06

2:C.K DAS
IAS
CHAIRMAN
STATE ELECTRICITY BOARD
BIJULEE BHAWAN
PALTAN BAZAR
GUWAHATI-01

3:UTPALA SHARMA
CHIEF GENERAL MANAGER OF ASSAM
POWER DISTRIBUTION CO. LTD. PALTAN BAZAR
GUWAHATI-01

4:PRAMATTA RAZ KUMAR
GENERAL MANAGER
GUWAHATI ZONE
APDCL
SIXMILE
GUWAHATI-22

5:PANKAJ BARMAN
CHIEF EXECUTIVE OFFICER (CEO)
KOKRAJHAR ELECTRICITY CIRCLE
APDCL
KOKRAJHAR
BTC
ASSAM
PIN-783370

6:AMANDIP SINGH
DEPUTY GENERAL MANAGER

KOKRAJHAR ELECTRICITY CIRCLE

APDCL
KOKRAJHAR
BTC
ASSAM
PIN-78337

Advocate for the Petitioner : MRS. HEMLATA THAKURIA

Advocate for the Respondent :

**BEFORE
HONOURABLE THE CHIEF JUSTICE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

Date : 20/05/2024
Vijay Bishnoi, CJ

Heard Mr. F.K.R. Ahmed, learned counsel for the petitioners.

This contempt petition is filed by the petitioner complaining that the order passed by this Court on 24/01/2023 in Writ Appeal No. 308/2021 has not been complied with.

This Court vide order dated 24/01/2023 issued a direction to the Assam Power Distribution Company Ltd. (APDCL) to conduct a verification exercise of all the persons who were appointed on the post of Sahayak and has further directed that if it is found that any of the candidate not furnished his/her requisite essential documents after the last date of submission of application of the advertisement concerned, their services are liable to be terminated, however, after giving note to them. It was further directed that after completing the exercise of terminating the services of such ineligible candidates, the vacant posts shall be filled up from amongst the other remaining candidates as per their merit, if they come within the zone of merit.

Learned counsel for the petitioners has submitted that the said direction has not been complied with by the respondents.

We have gone through the contempt petition as well the affidavit filed in support of it and found that there is no specific averments to the effect that the authorities of the APDCL has not conducted the exercise, as directed by this Court vide order dated 24/01/2023.

The petitioners in this contempt petition is relying on some communications received by him from the respondent no. 5 to the effect that he has written a letter to the respondent no. 3 to furnish the information regarding the action taken by it, and, therefore, it can be said that the contemnors willfully and deliberately violated the judicial order.

We are not convinced with the submission of the learned counsel for the petitioners and are of the view that the petitioners have failed to make out a case of willful disobedience on the part of the respondents. Hence, no case of issuance of notice is made out.

Contempt petition stands dismissed.

JUDGE

CHIEF JUSTICE

sukhamay

Comparing Assistant