

GAHC010095982024



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

Case No. : WP(C)/2552/2024

GOLAM MOSTAFA AHMED
S/O- ABDUS SAMAD, R/O VILLAGE- KANDULIA, P.O. RANGAPANI, P.S.
KALGACHIA, DIST.- BARPETA, ASSAM, PIN- 781319

VERSUS

THE STATE OF ASSAM AND 2 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF
ASSAM, WOMEN AND CHILD DEVELOPMENT DEPARTMENT, DISPUR,
GUWAHATI-6

2:THE DIRECTOR OF WOMEN AND CHILD DEVELOPMENT
ASSAM
UZANBAZAR
GUWAHATI-01

3:THE CHILD DEVELOPMENT PROJECT OFFICER
DIMORIA ICDS PROJECT
SONAPUR
DIST.- KAMRUP (M)
ASSAM
PIN- 78240

Advocate for the Petitioner : MD. S ALOM

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI**

ORDER

Date : 17.05.2024

Heard Md. S. Alom, learned counsel for the petitioner. Also heard Mr. C. S. Hazarik, learned Government Advocate for the State respondents.

Through this writ petition the petitioner is seeking direction from the respondent authorities more particularly from the respondent No. 1 to dispose of the appeal dated 25.01.2024 filed by the petitioner (Annexure 2), challenging the order dated 29.11.2023 passed by the respondent No. 2.

The brief fact of the case is that the petitioner while was working as Statistical Assistant in the office of the Child Development Project Officer, Dimoria ICDS Project, Kamrup(M), Departmental proceedings was initiated against him and the respondent No. 2 Vide Order dated 29.11.2023 imposed punishment of compulsory retirement from the service of the petitioner.

It is the case of the petitioner that respondent No. 2 illegally passed the said order by completely overlooking the materials available on record and being aggrieved, the petitioner has filed an Appeal on 25.01.2024 before the Principal Secretary to the Government of Assam, Women and Child Development, Dispur under the provision of rule 15 of the Assam Services (Discipline and Appeal) Rules, 1964.

The case of the petitioner is that the aforesaid Appeal is still pending, for which the instant writ petition have to be filed.

Heard the parties and perused the averments on record.

It appears that the Appeal filed by the petitioner is pending consideration.

Mr. C. S. Hazarika, learned Government Advocate for the State respondents fairly submits that this writ petition can be disposed of with direction that if the Appeal is pending, the same is to be considered in accordance with law.

In view of the aforesaid endorsement made by the Government counsel, this Court disposes of the instant writ petition with direction to respondent No. 1 to dispose of the Appeal dated 25.01.2024 filed by the petitioner (Annexure- 2), if the same is still pending within a period of 2(two) months from the date of receipt of the certified copy of the order in accordance with law.

With aforesaid observation and direction, this writ petition stands disposed of.

JUDGE

Comparing Assistant