

GAHC010104202018



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

Case No. : WA/409/2023

SRI DHRUBAJYOTI GOSWAMI
S/O RAGHU DEV GOSWAMI, R/O H.NO.-9, SANTIRAM DAS PATH,
REHABARI, GHY-8, DIST- KAMRUP METRO, ASSAM

VERSUS

THE UNION OF INDIA AND 5 ORS
REPRESENTED BY THE SECRETARY TO THE GOVT. OF INDIA, NORTH
EASTERN COUNCIL NEC, NOGRIM HILLS, SHILLONG

2:THE MANAGING DIRECTOR CUM DIRECTOR ADMIN.
NORTH EASTERN REGION COMMUNITY RESOURCE MANAGEMENT
PROJECT NERCORMP SYMPLI BUILDING
FIRST FLOOR
NEAR LAW COLLEGE
MALKI DHANKHETI
SHILLONG-793001
MEGHALAYA

3:THE PROJECT MANAGER
KARBI ANGLONG COMMUNITY RESOURCE MANAGEMENT SOCIETY
KACRMS
NEAR RANGSINGA HALL
HAMREN
KARBI ANGLONG -782486
ASSAM

4:THE PRINCIPAL SECRETARY
KARBI ANGLONG AUTONOMOUS COUNSEL
HAMREN
KARBI ANGLONG
ASSAM

5:AMRESH BAHADUR SINGH
PROJECT TECHNICAL OFFICER- KARBI ANGLONG COMMUNITY
RESOURCE MANAGEMENT SOCIETY KACRMS
NEAR RANGSINGA HALL HAMREN
KARBI ANGLONG-782486
ASSAM

6:BIPUL SARMA
INTERNAL AUDITOR
NORTH EASTERN REASON COMMUNITY RESOURCE MANAGEMENT
SOCIETY
KARBI ANGLON

Advocate for the Petitioner : MS. M DEKA

Advocate for the Respondent : DY.S.G.I.

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

ORDER

06.03.2024

(Vijay Bishnoi, CJ)

This intra-Court appeal is filed by the appellant being aggrieved with the judgment dated 19.04.2018 passed by the learned Single Judge whereby the writ petition filed by the appellant has been dismissed as not maintainable on the ground that the NERCORMP is a registered society and cannot be said to be a State or its instrumentality or agent and therefore, no relief can be granted to the petitioner.

During the course of arguments, learned counsel for the respondents has submitted that the appointment of the appellant with the respondent as Internal Auditor was purely on contractual basis for the project which was undertaken by the NERCORMP. It is submitted that now the project is over and

the respondent Nos.5 and 6 are also not in the management of the NERCORMP and in such circumstances, apart from the maintainability of the writ petition, no relief can be granted to the appellant.

The appellant has approached this Court by way of filing WP(C) No.1830/2014 being aggrieved with the action of NERCORMP of terminating his contractual engagement without providing him opportunity of hearing. It was the case of the appellant that his service was terminated in violation of the principle of natural justice.

Having taken into consideration the fact that the project undertaken by the NERCORMP in which the appellant was engaged is also completed, we are of the view that no relief of reinstatement as prayed for by the appellant in the writ petition can now be granted. Hence, we are not inclined to interfere with the impugned judgment passed by the learned Single Judge.

The learned counsel for the appellant has submitted that the claim of the appellant regarding arrear salary and PF dues are still pending with the NERCORMP. Taking into consideration the above submission, we grant liberty to the appellant to approach the NERCORMP for redressal of his grievance and if any such grievance is raised, the NERCORMP shall consider the disposal of the same strictly in accordance with law.

With the above observation, this Writ Appeal stands disposed of.

JUDGE

CHIEF JUSTICE

Comparing Assistant