

GAHC010112372016



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

Case No. : WP(C)/3186/2016

ASSAM EXCISE SERVICE OFFICERS' ASSOCIATION and ANR
REP. BY ITS GENERAL SECRETARY, SRI BIREN KR. DEKA, S/O.
BHUMIDHAR DEKA, OFFICE OF THE SUPDT. OF EXCISE, KAMRUP, GHY.-
01.

VERSUS

THE STATE OF ASSAM AND 3 ORS
REP. BY THE CHIEF SECY. TO THE GOVT. OF ASSAM, ASSAM
SECRETARIAT, DISPUR, GHY.-781006.

Advocate for the Petitioner : T N SRINIVASAN

Advocate for the Respondent : SC, PERSONNEL DEPT.

BEFORE
HONOURABLE MR. JUSTICE K. SEMA

ORDER

Date : 13-06-2024

Heard Mr. M. Sarma, learned counsel for the petitioners and Mr. T.C Chutia, learned Addl. Sr. Government Advocate for the State respondents.

The present writ petition has been filed seeking for the following relief;

“I) A writ in the nature of Mandamus and/or any other appropriate writ, order or direction should also not be issued commanding/directing the respondent authorities more specifically the respondent No. 2 herein to forthwith carry out the cadre

review/exercise in respect of the Excise department in terms of the duty filled-in questionnaire submitted by the authorities in the Excise department along with the views and proposals contained therein relating to the restructuring of the Assam Excise Service and its various cadres as has been done in respect of the Assam Civil Service by the amendment of the Assam Civil Service Rules, 1998 vide notification dated 29.09.2015.

II) As to why a writ in nature of Mandamus and/or any other appropriate writ/order or direction should not issue commanding/directing the respondent authorities more specifically not to post any officer from the Assam Civil Service cadre, to the newly created post of Senior Addl. Commissioner, Excise, pursuant to the notification No. AAP.145/2011/Pt.1/98 dated 29.09.2015 amending the Assam Civil Service Rules, 1990;

II) Upon cause/causes being shown and upon perusal of the records and after hearing the parties be pleased to make the Rule absolute and/or pass such further or other order, as Your Lordships may deem fit and proper in the interest of justice and to grant complete relief to the petitioners.”

It is submitted by the learned counsel for the petitioners that W.P.(C) No.391/2016 was also filed seeking for the same relief, as in the present writ petition and this Court by the order dated 25/01/2024 in W.P.(C) No. 391/2016 has disposed the writ petition inter-alia observing as follows;

“Learned Senior counsel submits that without entering into the merits, this writ petition may be disposed of by directing the petitioners’ Association to file a detailed representation before the respondent No.1/Chief Secretary to the Government of Assam and respondent No.4/Principal Secretary to the Government of Assam, Department of Personnel, (Personnel-A).

Recording the submissions made by the learned Senior counsel

for the petitioners, this writ petition is disposed of directing the petitioners' Association to file a detailed representation before the respondent Nos.1 and 4 within a period of 15 (fifteen) days from today. Thereafter, on receipt of the representation to be filed by the petitioners' Association, respondent Nos.1 and 4 shall consider and dispose of the same by a speaking order and in accordance with law within a period of two months from the date of receipt of the representation.

With the aforesaid observations and directions, the writ petition is disposed of. “

Mr. M. Sarma, learned counsel for the petitioners submits that as the subject matter in W.P.(C) No. 391/2016 and the present writ petition is same, the present writ petition may also be disposed in tune with the observation made by this Court in W.P.(C) No. 391/2016.

Mr. T.C Chutia, learned Addl. Sr. Government Advocate submits that if the limited prayer of the petitioner is to dispose the present writ petition in line with the order dated 25/01/2024 passed in W.P.(C) No. 391/2016 he has no objection to the prayer made by the petitioner to disposed the present writ petition.

In view of the submissions made by the learned counsel for the parties, this writ petition is also disposed with the direction to the petitioner's association to file a detail representation before the respondent No. 1, 3 & 4 within a period of 15 days from today. On receipt of the representation from the petitioner's association, the respondent No. 1, 3 & 4 shall consider and dispose of the same by a speaking order and in accordance with law within a period of 2(two) months from the date of receipt of the representation. Any order passed by the respondent No. 1, 3 & 4 consequent to the representation submitted by the petitioner's association shall be forthwith communicated to the petitioner's association.

With the above observation and direction, the writ petition is disposed of.

JUDGE

Comparing Assistant