

GAHC010125122024



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

Case No. : Cont.Cas(C)/374/2024

ASIT PAUL @ ASHIT PAUL
S/O- LATE ASHUTOSH PAUL, VILL.- SUBHASH PALLY, P.O. AND P.S.
LUMDING, DIST. HOJAI, ASSAM, PIN- 782435.

VERSUS

RAMYA JYOTI SARMAH AND ANR
EXECUTIVE ENGINEER, PUBLIC HEALTH ENGINEERING DEPARTMENT,
HOJAI DIVISION, HOJAI, PIN- 782435.

2:LACHIT KUMAR DAS
DEPUTY COMMISSIONER
HOJAI
DIST. HOJAI
ASSAM
PIN- 782435

Advocate for the Petitioner : MR. M K CHOUDHURY

Advocate for the Respondent :

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

22.07.2024.

Heard Shri MK Choudhury, learned Senior Counsel assisted by Ms. N Dutta,
learned counsel for the petitioner.

By the present petition filed under Sections 11 and 12 of the Contempt of Courts

Act, 1971 (1971 Act) read with Article 215 of the Constitution of India, the petitioner has alleged willful and deliberate violation of the order dated 30.11.2022 passed by this Court in WP(C)/366/2019.

By the aforesaid order dated 30.11.2022, this Court had directed for placing the application of the petitioner for appointment on compassionate ground in the next available DLC of the Hojai district. It appears that the petitioner had requested for compliance of the aforesaid order vide letter dated 15.12.2022. However, the instant petition has been presented only on 17.07.2024.

On the aspect of limitation provided by Section 20 of the 1971 Act, the learned Senior Counsel has submitted that the petitioner came to know about the minutes of the meeting on 04.04.2024 from where he has come to know that his case was not considered. There is nothing on record that the petitioner had even made an endeavour to enquire regarding the compliance of the order within the period of limitation. Further, the averments made in paragraph 9 would show that the petitioner was aware that a meeting of the DLC was held on 07.07.2023 and the Right to Information Act was invoked thereafter which was replied on 04.04.2024. The 1971 Act is a self-contained Code which includes the aspect of limitation in Section 20 which prescribes the limitation as 1 year. Though a plea has been taken, as observed above that the petitioner came to know about non-compliance of the order in question, the same would not be a reason not to approach this Court within the time prescribed.

On the aforesaid ground of limitation, the petition is held to be not maintainable and accordingly dismissed.

JUDGE

Comparing Assistant