

GAHC010129662024



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

Case No. : WP(C)/3311/2024

UDES H MAJHI
S/O LATE DHANESHWAR MAJHI,
RESIDENT OF MATHURAPUR, MILAN NAGAR, PS MATHURAPUR, DIST
CHARAIDEO, ASSAM

VERSUS

THE STATE OF ASSAM AND 2 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM HOME DEPARTMENT, DISPUR GUWAHATI 781006

2:THE COMMANDANT
ASSAM INDUSTRIAL SECURITY FORCE BN II
CHABUA
DIBRUGARH
ASSAM

3:THE COMMANDANT
4TH ASSAM SPECIAL RESERVE FORCE (AISF-II) BELTOLA
GUWAHATI 78102

Advocate for the Petitioner : MR. N HASAN

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA**

ORDER

Date : 27-06-2024

Heard Mr. N. Hasan, learned counsel for the petitioner as well as Mr. D. Bora, learned Government Advocate, Assam, appearing for all the respondents. It appears that the petitioner has not availed of the appellate remedy available under the provisions of the Assam Services (Discipline and Appeal) Rules, 1964, for which this Court is disinclined to entertain the writ petition.

At this stage, the learned counsel for the petitioner seeks to withdraw this petition with liberty to approach the Appellate Authority.

Prayer is allowed.

Matter stands dismissed on withdrawal with liberty, as prayed for.

Taken note of the projection made by the learned counsel for the petitioner that the petitioner was in jail and he was released on bail only on 11.10.2023 and in the meantime he has approached this Court against the order of his dismissal from service. The learned counsel for the petitioner submits that by the time appeal is filed, there may be some delay. On *prima facie* the delay being explained, the Appellate Authority is requested not to dismiss the appeal on the ground of the delay. The petitioner shall produce a certified copy of this order before the Appellate Authority.

JUDGE

Comparing Assistant