

GAHC010148052024



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

Case No. : WP(C)/3914/2024

GAUTAM KR DAS
S/O LATE CHIDANANDA DAS
R/O HOUSE O. 45, RIHABARI BILPAR,
GUWAHATI-781008, DIST. KAMRUP (METRO), ASSAM

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM,
INDUSTRIES AND COMMERCE DEPARTMENT, DISPUR, GUWAHATI-06

2:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
INDUSTRIES AND COMMERCE DEPARTMENT
DISPUR
GUWAHATI-06.

3:THE SECRETARY TO THE GOVT. OF ASSAM
INDUSTRIES AND COMMERCE DEPARTMENT
DISPUR
GUWAHATI-06.

4:THE COMMISSIONER OF INDUSTRIES AND COMMERCE DEPARTMENT
ASSAM
UDYOG BHAWAN
GUWAHATI-21
BAMUNIMAIDAM.

5:THE ADDITIONAL (FP)
OFFICE OF THE COMMISSIONER OF INDUSTRIES AND COMMERCE
ASSAM
UDYOG BHAWAN
BAMUNIMAIDAM
GUWAHATI-21.

6:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
FINANCE (ESTT.A) DEPARTMENT
DISPUR
GUWAHATI-06

Advocate for the Petitioner : MR. P A AHMED, MR. F A HASSAN, MRS. R BARKATAKY
Advocate for the Respondent : SC, INDUSTRIES AND COMMERCE, SC, FINANCE

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

14-08-2024

Heard Shri P. A. Ahmed, learned counsel for the petitioner. Also heard Shri A. Kalita, learned Standing Counsel, Industries and Commerce Department and Shri R. Borpujari, learned Standing Counsel, Finance Department.

On the last occasion i.e. 07.08.2024, the following order was passed:-

“Heard P. A. Ahmed, learned counsel for the petitioner.

The issue is with regard to computation of the date of superannuation. The petitioner had approached this Court on earlier occasions and in the last occasion in the form of WP(C) No. 1914/2021, an order was passed on 09.01.2023 whereby the relief was granted to the petitioner by setting aside the communications which were the subject matter of challenge. It appears that the present writ petition has been filed on the same cause of action.

While this Writ Court cannot be made an executing Court, on the peculiar facts and circumstances, the matter is adjourned to enable Shri A. Kalita, learned Standing Counsel Industries and Commerce Department to obtain instructions on the steps taken if any regarding the order mentioned above.

*List for **motion** on **14.08.2024**. To facilitate Shri Kalita, learned Standing Counsel, to have the instructions, let an extra copy of the writ petition be served upon him during the course of the day.*

Shri R. Borpujari, learned Standing Counsel, Finance is present.”

Shri Kalita, the learned Standing Counsel has submitted that instructions have been received as per which, an order was passed on 03.02.2023 accepting

the date of superannuation of the petitioner as 31.01.2020 instead of 31.12.2019.

In view of the aforesaid development, this Court is of the opinion that there is no existing cause of action to be espoused.

Writ petition is accordingly closed.

Copy of the order dated 03.02.2023 is kept with the records.

JUDGE

Comparing Assistant