

GAHC010175702023



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

Case No. : WP(C)/4570/2023

GUNESWAR SAIKIA
SON OF LATE KUSHRAM SAIKIA, PRESENTLY SERVING AS THE
ASSISTANT ACCOUNTS OFFICER OF BINNAKANDI DEVELOPMENT
BLOCK UNDER HOJAI ZILA PARISAD, RESIDENT OF VILLAGE-
MEHRULJULIA, POST OFFICE MAJPATHARI, DISTRICT NAGAON- 782003,
ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER TO THE GOVERNMENT OF
ASSAM, PANCHAYAT AND RURAL DEVELOPMENT, PANJABARI, ASSAM,
GUWAHATI- 37

2:THE JOINT SECRETARY
TO THE GOVERNMENT OF ASSAM
PANCHAYAT AND RURAL DEVELOPMENT
PANJABARI
ASSAM
GUWAHATI- 37

3:THE DIRECTOR
TO THE GOVERNMENT OF ASSAM
PANCHAYAT AND RURAL DEVELOPMENT
PANJABARI
ASSAM
GUWAHATI- 37

4:THE DEVELOPMENT BLOCK OFFICER
BINNAKANDI DEVELOPMENT BLOCK
DOBOKA
HOJAI

ASSA

Advocate for the Petitioner : MR. R DUBEY

Advocate for the Respondent : SC, P AND R.D.

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

05.02.2024

Heard Mr. R. Dubey, learned counsel for the petitioner. Also heard Mr. K. Konwar, learned Additional Advocate General, Assam, assisted by Mr. P. Handique, learned counsel for all the respondents.

This writ petition is filed by the petitioner putting to challenge the impugned order dated 24.07.2023, whereby the petitioner who was serving as an Assistant Accounts Officer of Binnakandi Development Block Office Doboka under Hojai Zila Parishad was transferred and posted at Agomoni Development Block under the Dhubri Zilla Parishad against the existing vacancy. The grievance of the petitioner is that the petitioner is due to superannuate on 30.04.2024 and considering that he is going to superannuate very shortly, the petitioner had made a request before the authorities to allow him to work from his earlier place of posting, which is also his own district. A representation dated 28.07.2023 to that effect was filed before the authorities concerned. That apart,

it is submitted that he was forced to do some works illegally without his consent by the earlier BDO and because of which the transfer order had resulted.

The respondents have filed their counter affidavit and have disputed the contentions raised by the petitioner. It is, however, not disputed that the petitioner had represented before the appropriate authority ventilating his grievance.

Considering the submissions of the learned counsel for the parties and upon perusal of the pleadings on record, this Court is of the view that the writ petition can be disposed of at this stage by directing the Panchayat & Rural Development (P&RD) Department, more particularly, the respondent no.1 to look into the grievance of the petitioner and pass an appropriate order in respect thereof as it is submitted that there is already a representation dated 28.07.2023 filed before the Commissioner, Panchayat & Rural Development Department and is stated to be pending. Accordingly, the respondent no.1 will dispose of the said representation by passing a speaking order within 15 (fifteen) days from the date of receipt of the certified copy of this order. While disposing of the representation, the Commissioner will also take into consideration the claim of the petitioner that he is superannuating shortly i.e. on 30.04.2024 and to consider his prayer that he should be remain to his earlier

place of posting i.e. Binnakandi Development Block Office Doboka under Hojai Zila Parishad.

Any claim of non-release or non-payment of arrear salary will also be looked into by the Commissioner.

The writ petition stands disposed of in terms of the above.

Interim order, if any, stands merged.

Pending Interlocutory Application, if any, stands closed.

JUDGE

Comparing Assistant