

GAHC010180282024



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

Case No. : WP(C)/4487/2024

UTPAL KEMPRAI
S/O- BOROLAL KEMPRAI, R/O- VILL.- DAMADI, P.O. AND P.S. MAIBONG,
DIST. DIMA HASAO, ASSAM AND PRESENTLY RESIDING AT C/O- MR.
KANAK DAS, HOUSE NO. 133, VILL.- HAJO PATANI, P.S. HAJO, DIST.
KAMRUP(R), ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF
ASSAM, REVENUE AND DISASTER MANAGEMENT DEPARTMENT, DISPUR,
PIN- 781006, ASSAM

2:THE DEPUTY COMMISSIONER
OFFICE OF THE DEPUTY COMMISSIONER KAMRUP
AMINGAON
PIN- 781031
DIST. KAMRUP
ASSAM

3:THE DIRECTOR OF LAND RECORD AND SURVEYS ETC.
ASSAM
RUPNAGAR
GUWAHATI-781032
DIST. KAMRUP(M)
ASSAM

4:THE CIRCLE OFFICER
HAJO REVENUE CIRCLE
DIST. KAMRUP
ASSA

Advocate for the Petitioner : MR. P P BORTHAKUR, MS IVY HUSSAIN, MR. T KALITA

Advocate for the Respondent : GA, ASSAM, SC, REVENUE

**BEFORE
HONOURABLE MR. JUSTICE NELSON SAILO**

ORDER

06.09.2024

Heard Mr. P.P. Borthakur, learned counsel for the petitioner who submits that the grievance of the petitioner is that he had been kept in a prolonged suspension since 30.05.2023. He submits that the petitioner is a Lat Mandal under the Circle Officer, Hajo Revenue Circle, Kamrup, Assam. Although the petitioner does not have the documents but it appears that the authority concerned had extended the suspension on two (2) occasions i.e., 06.01.2024 and on 30.03.2024. At this stage, Mr. C.S. Hazarika, learned State Counsel appearing for the respondent Nos. 2 & 4 submits that under Rule 14 of the Assam Services (Discipline & Appeal) Rules, 1964 an appeal against an order of suspension can be preferred before the immediate superior authority than the authority who had issued the suspension order. He submits that the petitioner apparently appears to have not exhausted his remedy. Mr. S. Dutta, learned State Counsel appears for the respondent Nos. 1 & 3.

Considering the issue involved and in view of the provision available for filing an appeal, the writ petition is disposed of with a direction that the petitioner shall

approach the Director of Land Record & Surveys, Assam (respondent No. 3) by way of an appeal within seven (7) days from today and in the event of the petitioner filing such appeal, the respondent No. 3 shall consider the appeal and pass appropriate orders in accordance with law. The appellate authority shall also look into the claim of the petitioner for releasing subsistence allowance for the period claimed for and ensure releasing of the same, if the same has not been done.

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

JUDGE

Comparing Assistant