

GAHC010188972024



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

Case No. : WP(C)/4713/2024

NASIRUDDIN AHMED
S/O- MD. SULEMAN ALI, RESIDENT OF VILLAGE AND PO- SONARIGAON,
P.S.- DHING, DIST.- NAGAON, ASSAM.

VERSUS

1: THE STATE OF ASSAM AND 2 ORS REPRESENTED BY THE
COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
(DEPARTMENT OF HOME), DISPUR, GUWAHATI-6, ASSAM.

2: THE DIRECTOR GENERAL OF POLICE
ASSAM POLICE HEADQUARTERS ULUBARI GUWAHATI ASSAM.

3: THE COMMISSIONER OF POLICE. GUWAHATI ASSAM

Advocate for the Petitioner : MR F Z MAZUMDER,

Advocate for the Respondent : GA, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

Date : 18-09-2024

Heard Mr. F.Z. Mazumder, learned counsel for the petitioner. Also heard Ms. M. Bhattacharjee, learned Additional Senior Government Advocate, Assam, appearing for the State respondents.

By filing this petition under Article 226 of the Constitution of India, the petitioner is seeking a direction for disposing the appeal dated 21.09.2023,

which was preferred against the order dated 17.08.2023, whereby major punishment of compulsory retirement was imposed on the petitioner.

The facts of the case are that the petitioner had been serving as a Constable in the Assam Police Department and was attached at Police Reserve at Police Commissionerate, Guwahati. Pursuant to the show cause notice issued, charges with gross misconduct and negligence of duty due to unauthorized absence was framed against the petitioner and thereafter a Departmental Enquiry was held and after the conclusion of the Enquiry, the Departmental Authorities, by order dated 17.08.2023, imposed the major punishment of compulsory retirement from service on the petitioner for his gross misconduct, negligence of duty and insubordination.

Against the said punishment order, an appeal was preferred on 21.09.2023 under the provisions of Rule 24 of the Assam Services (Discipline & Appeal) Rules, 1964. Though the statutory period of disposal prescribed under the aforesaid provision of the Rules has expired, the appeal having not been disposed of, the present writ petition has been filed.

It appears that under the provision of Rule 24 of the aforesaid Rules when an appeal is preferred, the same is required to be disposed of as expeditiously as possible and in any case, with a period of 3(three) months from the date of receipt of the appeal by the Appellate Authority. Rule 24 of the aforesaid Rules is extracted hereunder for ready reference:-

“24. Expeditious disposal of appeals. – *When an appeal under these rules is preferred it shall be disposed of as expeditiously as possible and in any case with a period of three months from the date of receipt of the appeal by the appellate authority.*

It is submitted at the bar that the said appeal filed on 21.09.2023 is still pending before the Appellate Authority.

In view of the aforesaid endorsement made by the learned counsel appearing for the parties, this Court is of the considered view that this writ petition can be disposed of by directing the Appellate Authority to dispose of the appeal dated 21.09.2023, preferred by the petitioner against the order dated 17.08.2023, within a period of 1(one) month from the date of receipt of a certified copy of the order.

Ordered accordingly.

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

J U D G E

Comparing Assistant