

GAHC010191262024



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

Case No. : WP(C)/4796/2024

BISWAJIT DEY
S/O- LATE BIRENDRA CHANDRA DEY,
R/O- SARAT PALLY LANE NO. 3/9,
SONAI ROAD, UTTAR KRISHNAPUR PT-II,
DISTRICT- CACHAR, ASSAM,
PIN- 784001.

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM,
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT,
JURIPAR, PANJABARI, GUWAHATI, ASSAM,
PIN- 781037.

2:THE DISTRICT COMMISSIONER
CACHAR
SILCHAR
OFFICE OF THE DISTRICT COMMISSIONER
CACHAR
SILCHAR

PIN- 788001.

3:THE CHIEF EXECUTIVE OFFICER
ZILLA PARISHAD
CACHAR
OFFICE OF THE CHIEF EXECUTIVE OFFICER
CACHAR
SILCHAR

PIN-

4:THE DISTRICT DEVELOPMENT COMMISSIONER
CACHAR
SILCHAR
OFFICE OF THE DISTRICT DEVELOPMENT COMMISSIONER
CACHAR
SILCHAR
ASSAM

PIN-

5:THE BLOCK DEVELOPMENT OFFICER
PALONGHAT
OFFICE OF THE BLOCK DEVELOPMENT OFFICER

PALONGHAT DEVELOPMENT BLOCK

CACHAR
ASSAM

PIN

Advocate for the Petitioner : MR. I H LASKAR, MR. R. KARIM,MS. N M LONGKENG,MR. P
DAIMARY,MR. P K DEKA

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

BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM

ORDER

Date : 25-09-2024

Heard Mr. P.K. Deka, learned counsel for the writ petitioner. Also heard Mr. P.
Handique, learned standing counsel, P&RD Department, Assam.

The writ petitioner herein, who was serving as Secretary in the Didarkush Gaon
Panchayat under Palonghat Development Block and Cachar Zila Parishad, was placed
under suspension vide order dated 25-02-2024. Since the order of suspension was not

reviewed despite the lapse of 90 days, the petitioner had approached this Court earlier by filing W.P.(C) No. 1668/2024 which was disposed of by this Court vide order dated 26-07-2024 directing the authorities to reinstate the petitioner by taking note of the prolonged suspension of employees without initiation of departmental proceeding which was found to be not justified in the eyes of law.

Despite the order dated 26-07-2024, since no order of reinstatement was issued, the petitioner has once again approached this Court, for the second time, by filing W.P.(C) No. 4796/2024 wherein this Court had passed order dated 20-09-2024 requiring the learned departmental counsel to obtain instruction. Today, when the matter is called up, Mr. Handique, learned standing counsel, P&RD Department, Assam has produced copy of the notification dated 24-09-2024 issued by the Commissioner, P&RD, Assam under memo No. CPRD/LC/06/2024/65, a perusal of which goes to show that the petitioner has been reinstated in service. Pursuant to such reinstatement, the petitioner has been transferred and posted as Gaon Panchayat Secretary of Algapur Gaon Panchayat in the Algapur Development Block coming under the Hailakandi Zilla Parishad, with immediate effect. If that be so, the relief sought for in this writ petition has already been granted to the writ petitioner by the departmental authorities.

Under the circumstances, this Court does not find any justifiable ground to keep this writ petition pending any further. By retaining a copy the order dated 24-09-2024 with the record of this case, this writ petition is, therefore, closed.

JUDGE

GS

Comparing Assistant