

GAHC010209652024



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

Case No. : WP(C)/5396/2024

DEBABRATA GOGOI
S/O LATE PADMESWAR GOGOI, R/O SADANAND APARTMENT, BY-LANE-2,
LAKHIMI PATH, BELTOLA, GUWAHATI, PIN-781028, ASSAM

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO THE
GOVERNMENT OF ASSAM, ENVIRONMENT AND FORESTS DEPARTMENT,
DISPUR, GUWAHATI, DIST-KAMRUP (M), PIN-781006, ASSAM

2:THE SECRETARY TO THE GOVERNMENT OF ASSAM
ENVIRONMENT AND FOREST DEPARTMENT
ASSAM
DISPUR
GUWAHATI-6

3:THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS AND HEAD OF
FOREST FORCES
ASSAM
ARANYA BHAWAN
PANJABARI
GUWAHATI
DIST- KAMRUP (M)
PIN-781037
ASSAM

4:ROHINI BALLAVE SAIKIA
IFS (INQUIRY OFFICER)
DFO
KAMRUP EAST DIVISION
GUWAHATI

5:JAYANTA KR. NATH
ACF (PRESENTING OFFICER)
OFFICE OF THE DFO
KAMRUP EAST DIVISION
GUWAHATI

6:ABDUL KARIM MAZUMDAR
S/O LATE M. ALI
R/O VILL- HAT BAHAR
P.S.-LAKHIPUR
DIST- CACHAR
ASSA

Advocate for the Petitioner : MR. S BANIK, MS F BEGUM

Advocate for the Respondent : SC, FOREST,

**BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

Date : 25/10/2024

Mr. S.Banik, learned counsel for the petitioner has argued that the departmental proceeding initiated against his client has been conducted in violation of the procedural safeguards as well as the principles of natural justice, inasmuch as, his client has not even been allowed to cross examine the witnesses relied upon by the Department to prove the charge brought against the petitioner.

Mr. D. Gogoi, learned Standing Counsel, Forest Department, Assam, however, submits that since the departmental proceeding is yet to be concluded, at this stage, it will always be open for the petitioner to agitate his grievance before the authorities.

After going through the materials on record and after hearing the submission of learned counsel for the parties, this Court is also of the opinion that at this stage, no interference in the departmental proceeding is called for. The grievance expressed by the petitioner can be raised before the Enquiry Officer. In the event, such grievance is not redressed, in accordance with law, the matter

can always be examined by the Court, as and when the occasion arises.

Therefore, by granting liberty to the petitioner to agitate his grievances before the Enquiry Officer, the writ petition stand closed.

JUDGE

sukhamay

Comparing Assistant