

GAHC010217682018



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

Case No. : WP(C)/6859/2018

PRANAB GOSWAMI
S/O- LT PRAKASH GOSWAMI, R/O- GOPAL BAZAR, NALBARI, P.O. AND P.S.
NALBARI, DIST- NALBARI, ASSAM, PIN- 781353

VERSUS

THE STATE OF ASSAM AND 3 ORS.
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM, IRRIGATION
DEPTT., DISPUR, GHY-6

2:THE CHIEF ENGINEER
IRRIGATION
ASSAM
CHANDMARI
GHY-3

3:THE SUPERINTENDING ENGINEER
NORTH KAMRUP CIRCLE (I) NALBARI
P.O. AND DIST- NALBARI
PIN- 781335

4:THE EXECUTIVE ENGINEER
IRRIGATION DEPTT.
NALBARI DIVISION
SAUKUCHI
P.O. MILANPUR
PIN- 78133

Advocate for the Petitioner : MR. A MOBARAQUE

Advocate for the Respondent : SC, IRRIGATION (R1TO4)

**BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY**

ORDER

Date : 05-02-2024

Heard Mr. A Mobarague learned counsel for the petitioner and Mr. N Upadhyay learned counsel for the respondent.

The present writ petition is filed seeking a writ of mandamus/direction to the respondent authorities to promote the petitioner to the next higher post of Section Assistant under Executive Engineer, Nalbari Irrigation division.

It is the case of the petitioner that the person junior to him has been promoted to the next higher grade ignoring the case of the petitioner.

It is undisputed that the petitioner was appointed against a post which was personal to him and his juniors who were appointed are not similarly situated with him.

Mr. N Upadhyay, the learned counsel for the respondents submits that in view of the ratio laid down by the Division Bench in the case of ***Dilip Talukdar and others Vs. State of Assam and others*** reported in ***2017 (2) GLT 135***, that the work charge and Muster Roll workers who were regularized by creating post personal to the respective work charged/Muster Roll workers shall not be entitled for the promotion to the next higher post of Section Assistant, the petitioner's case can't be considered.

As there is no dispute that the petitioner was initially

appointed as Muster Roll worker and subsequently his service was regularized to a personal post, in terms of the decision rendered by the division bench in the case of Dilip Talukdar (supra), no direction/writ can be issued to the respondents to consider the case of the petitioner for promotion to the next higher post of Section Assistant.

In view of the aforesaid, the writ petition stands dismissed.

The parties to bear their own cost.

JUDGE

Comparing Assistant