

GAHC010221512024



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

Case No. : WP(C)/5440/2024

KAMAKHYA MISHRA AND 13 ORS
S/O LT CHANDRA BHUSHAN MISHRA
R/O MANIPUR EAST ROAD, PALTAN BAZAR, GUWAHATI
PIN 781008, (ASSAM)

2: AMINUL ISLAM
S/O NAZRUL ISLAM
VILL KANCHANPUR
P.S. RUPAHIHAT
DIST NAGOAN
ASSAM 78225

3: SARIFUL RAHMAN
S/O SAHIDUR RAHMAN
VILL GHANIGAON
P.O SOOTEA
P.S SOOTEA
DIST SONITPUR
ASSAM
PIN 784175

4: TWINKLE GOSWAMI
D/O LT RAJU GOSWAMI
R/O NEHA APARTMENY
FLAT NO D/3
4TH FLOOR
RUKMINIGOAN
P.S. DISPUR
GUWAHATI 781002

5: HEMAN SHARMA
S/O LT HAREKRISHNA SARMAH
R/O RAJIBNAGAR
H/NO 12

KAHILIPARA
P.S DISPUR
DIST KAMRUP M ASSAM 781019

6: AMAR GHOSH
S/O LT SRISTIDHAR GHOSH
VILL SURJYAKHATA GOSH PARA.W/NO 04
P.O BILASIPARA P.S BILASIPARA
DIST DHUBURI ASSAM 783348

7: RINKU MONI KALITA
D/O LT DIMBESWAR KALITA
VILL BHOTEPOWA BARI
P.O. BAGHMARA BAZAR
P.S PATACHAR KUCHI DIST BAJALI
ASSAM 781328

8: SAHIDUR RAHMAN
S/O LT MAKIM UDDIN AHMED
VILL JOGIRPAM
P.O DABALIAPARAM PS AND
DIST BARPETA (ASSAM)
781316

9: NABAJIT TALUKDAR
S/O BRAJENDRA NATH TALUKDAR
VILL BAHARI
P.O BALOIHAT
P.S TARABARI
DIST BARPETA
PIN 781302

10: UDDIPITA KALITA
S/O NARAYAN KALITA
VILL AGGDALA
P.O AND P.S. BAIHATA CHARIALI
PIN 781381

11: SUNITA DEKA
W/O SRI PRATAP GOGOI
R/O BALI RAM TERON ROAD
LANKESHWAR BARNAM PATH
NEAR NARKASUR HIGH SCHOOL
KAHILIPARA
PS DISPUR
DIST KAMRUP M ASSAM 781019

12: BHASKAR BARMAN

S/O SRI PARAMESH BARMAN
VILL ANANDAPUR
JAPARIGOG TINIALI
P.S DISPUR
P.O DISPUR
DIST KAMRUP(M
)

13: SASADHAR KALITA
S/O RAMESH KALITA
VILL KHAGRABARI
P.O KHAGRABARI
P.S BARBARI
DIST BAKSA (ASSAM) 784527

14: FARUQUE AHMED
S/O LT KHABIRUDDIN AHMED
VILL ADHIKARI
P.S MANGALDOI
P.O RAJGHAT
DIST DARRANG ASSAM 78452

VERSUS

THE STATE OF ASSAM AND 7 ORS
TO BE REP. BY THE CHIEF SECRETARY TO THE GOVT. OF ASSAM,
DEPARTMENT OF HOME AND POLITICAL, ASSAM SECRETARIAT, DISPUR
GUWAHATI 781006

2:THE SECRETARY TO THE GOVT. OF ASSAM
PERSONNEL DEPARTMENT
ASSAM SECRETARIAT
DISPUR GUWAHATI 78106 ASSAM

3:THE ADDITIONAL CHIEF SECRETARY
TO THE GOVT. OF ASSAM
DEPARTMENT OF HOME AND POLITICAL
ASSAM SECRETARIAT
DISPUR GUWAHATI 781006 ASSAM

4:THE DIRECTOR OF POLICE
ASSAM
ASSAM POLICE HEADQUATERS
ULUBARI GUWAHATI 781007
ASSAM

5:THE ADDL. DIRECTOR GENERAL OF POLICE (ADMIN)
ASSAM

ASSAM POLICE HEADQUATERS
ULUBARI GUWAHATI 781007
ASSAM

6:THE INSPECTOR GENERAL OF POLICE
ASSAM
ASSAM POLICE HEADQUATERS
ULUBARI GUWAHATI 781007
ASSAM

7:THE DEPUTY INSPECTOR GENERAL OF POLICE (ADMN)
ASSAM POLICE HEADQUATERS
ULUBARI GUWAHATI 781007
ASSAM

8:THE ADDITIONAL DIRECTOR GENERAL OF POLICE (CMS VIGILANCE)
ASSAM
ASSAM POLICE HEADQUATERS
ULUBARI GUWAHATI 781007
ASSA

Advocate for the Petitioner : MR I RAFIQUE, MRS S A CHOUDHURY,MS A AFREEN

Advocate for the Respondent : GA, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM

ORDER

Date : 29-10-2024

Heard Mr. I. Rafique, learned counsel for the writ petitioners. Also heard Ms. M. Bhattacharjee, learned Addl. Sr. Govt. Advocate, Assam appearing for the respondents.

Apprehending termination of their services due to the steps taken by the Department in the light of the order dated 14-07-2014 passed by this Court in W.P.(C) No. 4435/2008, the petitioners are before this Court by filing the instant writ petition, *inter alia* contending that there is every possibility of termination orders being issued against them without following the due process of law.

On 25-10-2024, learned Govt. Advocate, Assam was asked to obtain instruction and apprise this Court, if any, notice of termination had been served upon any of the petitioners. Today, when the matter is called up, Ms. Bhattacharjee, learned Addl. Sr. Govt. Advocate, Assam submits that no final decision has been taken in the matter till today, inasmuch as only a recommendation dated 10-09-2024, from the Inspector General of Police (Admn.) has been received by the Govt. proposing action in the matter in terms of the order dated 14-07-2014 passed by this Court. Therefore, this writ petition is premature.

I find from the record that the order dated 14-07-2014 passed by this Court itself requires that any action taken in the matter has to be in accordance with law. Therefore, if any order of termination of service is issued in respect of any of the employees, it is obvious that such an order can be given effect to only after complying with the principles of natural justice, i.e. after serving show cause notice upon such employees. It is apparent from the materials available on record that the said stage is yet to arrive in the matter. It is also possible that the Govt. may untimely decide not to initiate any action in terms of the letter dated 10-09-2024. Under the circumstances, this Court finds force in the submission of Ms. Bhattacharjee that this writ petition is premature.

Therefore, this writ petition stands disposed of by providing that if any adverse action is contemplated against any of the petitioners, they shall be served with prior notice and be given an opportunity to show cause.

Writ petition stands closed.

JUDGE

GS

Comparing Assistant