

GAHC010221692021



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

Case No. : WP(C)/7223/2021

MD. ISLAMUDDIN AHMED
S/O LATE MAHID ALI, R/O VILL-SALIKAJHAR, P.O.-BURHA, P.S.-SIPAJHAR,
DIST- DARRANG, ASSAM, PIN-784145

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, MUNICIPAL ADMINISTRATIVE DEPARTMENT,
DISPUR, GUWAHATI, DIST-KAMRUP(M), ASSAM, PIN-781006

2:THE GUWAHATI MUNICIPAL CORPORATION
PANBAZAR
GUWAHATI
DIST- KAMRUP(M)
ASSAM
PIN-781001 REPRESENTED BY ITS COMMISSIONER

3:THE COMMISSIONER
GUWAHATI MUNICIPAL CORPORATION
PANBAZAR
GUWAHATI
DIST- KAMRUP(M)
ASSAM
PIN-781001

4:THE DEPUTY COMMISSIONER
GUWAHATI MUNICIPAL CORPORATION
WEST ZONE
GUWAHATI
GUWAHATI
DIST- KAMRUP(M)

ASSAM
PIN-78100

Advocate for the Petitioner : MR. T DEURI

Advocate for the Respondent : SC, GMC

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

ORDER

19.02.2024.

1. Heard Mr. T. Deuri, learned counsel for the petitioner. Also heard Mr. S. Bora, learned Standing Counsel for the GMC and Mr. R. Dhar, learned Government counsel appearing on behalf of the respondent No. 4.
2. The petitioner is aggrieved by non consideration of his case for being promoted to the post of Assistant Tax Superintendent inasmuch as according to the petitioner, he has already been promoted to the feeder cadre of Tax Collector and he had all required qualification and experience for consideration for promotion to the post of Assistant Tax Superintendent.
3. Mr. T. C. Deuri, learned counsel for the petitioner submits that being aggrieved, the petitioner has already preferred a representation (Annexure-F) before the respondent No. 3 i.e. the Commissioner, Guwahati Municipal Corporation, Guwahati. Mr. Deuri, learned counsel submits that the petitioner's limited grievance is non- consideration of the aforesaid representation and at this stage, he will have no grievance if a direction is issued to the respondent No. 3 to consider the case of the petitioner for promotion to the next higher grade.
4. Mr. S. Bora, learned Standing Counsel for the GMC submits that the Corporation being a model employer, they will definitely consider any

representation preferred by the petitioner for consideration of his promotion to the next higher grade subject to his eligibility and availability of vacancy and subject to fulfillment of extant norms and required procedure.

5. In view of the aforesaid consensus at the bar, without commenting on the merit of the claim of the petitioner for promotion to the next higher grade, this writ petition is disposed of directing the respondent No. 3, to consider the representation of the petitioner as well as his claim for promotion to the next higher grade of Assistant Tax Superintendant.
6. The petitioner shall also be at liberty to file fresh representation before the respondent No. 3. Such representation if so advised, be filed within a period of 10 (ten) days from today and thereafter, the respondent No. 3 shall consider such claim of the petitioner within a period of 6 (six) weeks from the date of filing of the representation.
7. Any determination made in this regard be communicated to the petitioner.
8. It is needless to say that in the event the petitioner is aggrieved by any of the decisions passed on his representation, he shall be at liberty to approach the appropriate forum including this Court.
9. This writ petition stands disposed of.

JUDGE

Comparing Assistant