

GAHC010225142024



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

Case No. : WP(C)/5942/2024

DHRAMESWAR DEKA AND ANR
S/O- LATE BRAJA NATH DEKA,
R/O- PWD COLONY , GNB ROAD, GUWAHATI-03, ASSAM, DIST- KAMRUP
(M)

2: SUBRATA DAS
S/O- LATE SUCHARIT DAS

R/O- BROJENDRA ROAD
KARIMGANJ
PIN-788710
P.O AND DIST- KARIMGANJ
ASSA

VERSUS

THE STATE OF ASSAM AND 3 ORS
REP. BY THE CHIEF SECRETARY TO THE GOVT. OF ASSAM, DISPUR,
GUWAHATI-06

2:THE COMMISSIONER AND SPECIAL SECRETARY
TO THE GOVT. OF ASSAM
PUBLIC WORKS DEPARTMENT
DISPUR
GUWAHATI-06

3:THE SECRETARY
TO THE GOVT. OF ASSAM
PUBLIC WORKS DEPARTMENT
DISPUR
GUWAHATI-06

4:THE DEPUTY SECRETARY
TO THE GOVT. OF ASSAM

PUBLIC WORKS (ROADS) DEPARTMENT
DISPUR
GUWAHATI-0

Advocate for the Petitioner : MR P BHARDWAJ, MR. M SARMA, MR. M K CHOUDHURY

Advocate for the Respondent : GA, ASSAM, SC, PWD ROAD

BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM

ORDER

Date : 18/11/2024

Heard Mr. M.K. Choudhury, learned senior counsel assisted by Mr. P. Bharadwaj, learned counsel for the writ petitioners. Also heard Mr. P. Nayak, learned Standing Counsel, PWD, Assam, appearing for the respondent nos. 2, 3 & 4 and Mr. C.K. S. Baruah, learned Government Advocate, Assam, representing the respondent no. 1.

The 2 (two) writ petitioners herein are presently working as Assistant Executive Engineer (Civil), PWD. They were initially appointed as Junior Engineers in the Department. However, due to some dispute over the recognition of their qualification (diploma), the promotion of the petitioners got delayed. The petitioners are claiming that their promotion to the post of Assistant Executive Engineer (Civil), PWD, Assam, ought to be given retrospective effect from the date on which they had attained qualification of Bachelor of Engineering (BE).

Mr. Choudhury has produced a copy of the order dated 26/07/2023 passed in WP(C) No. 3994/2023 to submit that representations submitted before the Department by other similarly situated candidates have been directed to be considered by this Court and pass a reasoned order. The learned senior counsel submits that the petitioner nos. 1 & 2 have both submitted individual representation dated 16/08/2024. Therefore, a similar order be passed in the present case as well, directing the respondents to consider the request made in the representation(s) dated 16/08/2024 and pass a

reasoned order.

Mr. P. Nayak, learned Standing Counsel, PWD, Assam, submits that if the only request, at this stage is to consider their representation, then, he would have no objection to such a prayer.

In view of the above and with the consent of the learned counsel for both the sides, this writ petition is being disposed of at the stage of motion hearing by providing that the respondents may consider the representation(s) dated 16/08/2024 submitted by the petitioners and dispose of the same by a reasoned order, as expeditiously as possible but not later than 8(eight) weeks from the date of receipt of a certified copy of this order.

If the petitioners, continue to remain aggrieved even thereafter, it will be open for them to approach this Court again by filing appropriate petition.

Writ petition stands disposed of accordingly.

JUDGE

Sukhamay

Comparing Assistant