

GAHC010230552016



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

Case No. : WP(C)/391/2016

THE ASSAM TAXATION OFFICERS' ASSOCIATION and ANR
REP. BY ITS GENERAL SECRETARY, KAR BHAWNA, DISPUR, G.S. ROAD,
GUWAHATI - 781006.

2: SRI FULESWAR BASUMATARY
S/O SRI DADHIRAM BASUMATARY R/O RUMIKINI NAGAR
RUPALIM PATH
BYLANE NO. 3
GUWAHATI - 781006
KAMRUP
ASSAM.

3: SRI FULESWAR BASUMATARY
S/O SRI DADHIRAM BASUMATARY R/O RUMIKINI NAGAR
RUPALIM PATH
BYLANE NO. 3
GUWAHATI - 781006
KAMRUP
ASSAM. GENERAL SECRETARY
ASSAM TAXATION OFFICERS' ASSOCIATION
KAR BHAWAN

VERSUS

THE STATE OF ASSAM AND 4 ORS
REP. BY THE CHIEF SECRETARY TO THE GOVT. OF ASSAM, DEPARTMENT
OF FINANCE TAXATION DISPUR, GUWAHATI- 781006.

2: THE ADDITIONAL CHIEF SECRETARY TO THE GOVT. OF ASSAM
FIXATION TAXATION DEPARTMENT
DISPUR
GUWAHATI-781006.

3:THE COMMISSIONER and SECRETARY TO THE
GOVT. OF ASSAM
FIXATION TAXATION DEPARTMENT
DISPUR
GUWAHATI-781006.

4:THE PRINCIPAL SECRETARY TO THE
GOVT. OF ASSAM
DEPARTMENT OF PERSONNEL
PERSONNEL-A
DISPUR
GUWAHATI-781006.

5:THE COMMISSIONER OF TAXES
ASSAM KAR BHAWAN
DISPUR
GUWAHATI-781006

Advocate for the Petitioner : MS.N HUSSAIN

Advocate for the Respondent :

BEFORE

HON'BLE THE CHIEF JUSTICE (ACTING) MR. LANUSUNGKUM JAMIR

HON'BLE MR. JUSTICE KARDAK ETE

ORDER

25.01.2024

[(Lanusungkum Jamir, C.J(Acting))]

Heard Mr. M.K. Choudhury, learned Senior counsel, assisted by Mr. G. Baishya, learned counsel for the appellants. Also heard Mr. D. Nath, learned Senior Government Advocate, Assam for respondent Nos.1 and 4.

The present writ petition has been filed challenging the amendment made to the Assam Civil Service Rules, 1998 by a Notification dated 29.09.2015 wherein a new post of Senior Additional Commissioner of Taxes has been created in the Taxation Department in Schedule-I under Rule 3(2).

Learned Senior counsel for the petitioners submits that despite the amendment of Assam Civil Service Rules, 1998, the same has not been implemented till date. He also submits that the petitioners' Association has filed a representation on 09.11.2015 addressed to the Chief Secretary to the Government of Assam with regard to the amendment of the Assam Civil Service Rules, 1998.

Learned Senior counsel submits that without entering into the merits, this writ petition may be disposed of by directing the petitioners' Association to file a detailed representation before the respondent No.1/Chief Secretary to the Government of Assam and respondent No.4/Principal Secretary to the Government of Assam, Department of Personnel, (Personnel-A).

Recording the submissions made by the learned Senior counsel for the petitioners, this writ petition is disposed of directing the petitioners' Association to file a detailed representation before the respondent Nos.1 and 4 within a period of 15 (fifteen) days from today. Thereafter, on receipt of the representation to be filed by the petitioners' Association, respondent Nos.1 and 4 shall consider and dispose of the same by a speaking order and in accordance with law within a period of two months from the date of receipt of the representation.

With the aforesaid observations and directions, the writ petition is disposed of.

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JUDGE

CHIEF JUSTICE (ACTING)

Comparing Assistant