

GAHC010242662024



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

Case No. : WP(C)/6059/2024

HIMANSHU GOGOI
S/O LATE MOHAN CHANDRA GOGOI,
RESIDENT OF MOHANAGHAT, JAPARA GAON, PO MOHANAGHAT, PS AND
DIST DIBRUGARH, ASSAM

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM DEPARTMENT OF FINANCE AND TAXATION, DISPUR ASSAM

2:THE COMMISSIONER AND SECRETARY
TO THE GOVT. OF ASSAM DEPARTMENT OF FINANCE AND TAXATION
DISPUR ASSAM

3:THE COMMISSIONER OF TAXES
KAR BHAWAN
GANESHGURI
DISPUR ASSAM

4:THE ASSISTANT OF TAXES
DIBRUGARH ASSAM

5:SHRI DEEPAK KUMAR NEWAR
JUNIOR ASSISTANT AT OFFICE OF THE ASSISTANT COMMISSIONER OF
TAXES
DIBRUGARH ASSA

Advocate for the Petitioner : MR. A K GUPTA, MR. R K MAHANTA,MR. R S MISHRA

Advocate for the Respondent : SC, FINANCE AND TAXATION,

**BEFORE
HONOURABLE MR. JUSTICE NELSON SAILO**

ORDER

Date : 02-12-2024

Heard Mr. R.S. Mishra, learned counsel for the petitioner, who submits that the grievance of the petitioner is that as per the Provisional Gradation List of Ministerial Staff in the Office of the Commissioner of Taxes, Taxation Department, his name appears at Sl. No. 312 but in the Final Gradation List, which was published on 05.11.2024 he has been placed below the respondent No. 5, who otherwise is junior to him and was placed below him in the Provisional List. He submits that the petitioner was initially appointed on 11.03.2015 whereas, the private respondent No. 5 was appointed after him on 22.12.2015. The learned counsel submits that being aggrieved, the petitioner has submitted a representation before the respondent No. 3 on 11.11.2024, which however has not been considered till date. At this stage, he submits that the limited prayer of the petitioner is that his representation dated 11.11.2024 may be considered by the respondent No. 3 and disposed of by way of a speaking order.

Mr. B. Gogoi, learned Standing Counsel Finance & Taxation Department submits that in view of the pendency of the representation of the petitioner, the same may be directed to be disposed of by the competent authority.

In view of above, the writ petition is disposed of with a direction to the respondent No. 3 to consider and disposed of the representation dated 11.11.2023 (Annexure - D) submitted by the petitioner within a period of three (3) weeks from the date of receipt of the certified copy of this Order. The petitioner shall furnish a copy of the writ petition with Annexures to the respondent No. 3.

JUDGE

Comparing Assistant