

GAHC010245092023



2024:GAU-AS:11582

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

Case No. : WP(C)/6379/2023

MINTU SAIKIA
SON OF LATE MAHAN SAIKIA,
RESIDENT OF VILL- BARHAMPUR,
P.O.- BARHAMPUR, P.S.- NAGAON,
DISTRICT- NAGAON, ASSAM,
PIN- 782122.

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE COMMISSIONER AND SECRETARY,
HOME DEPARTMENT,
GOVT. OF ASSAM,
DISPUR, GUWAHATI-06.

2:COMMANDANT
9TH ASSAM POLICE BATTALION
BARHAMPUR
NAGAON

ASSAM
PIN- 782122

Advocate for the Petitioner : MR. N J DUTTA, MR. K D SARMA, MR A BASUMATARY

Advocate for the Respondent : GA, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR**

ORDER

Date : 25.11.2024

Heard Mr. A. Basumatary, learned counsel for the petitioner. Also heard Mr. D. Bora, learned counsel appearing on behalf of the respondents.

The petitioner by way of instituting the present proceeding, has prayed for a direction upon the respondent authorities for releasing to him, the benefits that would accrue to him after he was dismissed from service pursuant to a Disciplinary Proceeding initiated against him, vide order, dated 08.08.2008.

The petitioner, herein, while working as a Cook in the 9th Assam Police Battalion, and subjected to a Disciplinary Proceeding which culminated in the issuance of the order, dated 08.08.2008, dismissing him from his service.

The petitioner, herein, has not taken any steps thereafter, to assail the order, dated 08.08.2008, of the disciplinary authority imposing upon him the penalty of dismissal from service.

The petitioner, herein, by way of instituting the present proceeding, has prayed for release to him of the amounts due after he was so imposed with the penalty of dismissal from service.

It is seen that the petitioner had not approached the respondent authorities praying for release of any amount that may be due to him on account of being imposed with the penalty of dismissal from service.

In that view of the matter, as agreed to by the learned counsels appearing for the parties; the petitioner, herein, is hereby directed to submit a representation before the Commandant, 9th Assam Police Battalion, and therein, claim the amounts, which according to him, are due to him after being imposed with the penalty of dismissal from service vide order, dated 08.08.2008.

Such representation be so preferred within a period of 15 days from today. The Commandant, 9th Assam Police Battalion, on receipt of such representation from the petitioner, herein, along with a certified copy of this order; shall consider and dispose of the said representation by way of a speaking order within a period of 3 months from the date of receipt of such representation.

The speaking order so passed by the respondent authority shall be communicated to the petitioner, forthwith, thereafter.

With the above directions and observations, this writ petition accordingly stands disposed of.

JUDGE

Comparing Assistant