

GAHC010248642024



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

Case No. : I.A.(Civil)/3612/2024

PRIYANKA DEKA
W/O BIKASH TALUKDAR, RESIDENT OF BARKURIHA VILLAGE NEAR
GOPINATH MANDIR, MOROWA KAMALPUR ROAD, PO NALBARI, PS AND
DIST NALBARI, ASSAM 781348.

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO THE GOVT.
OF ASSAM, HOME AND POLITICAL DEPARTMENT, DISPUR GUWAHATI
781006.

2:THE COMMISSIONER AND SECRETARY
GOVT. OF ASSAM
FINANCE (TAXATION) DEPARTMENT
DISPUR GUWAHATI 06

3:THE SECRETARY TO THE GOVT. OF ASSAM

FINANCE DEPARTMENT
DISPUR GUWAHATI 781006

4:THE ADDITIONAL SECRETARY TO THE GOVT. OF ASSAM
FINANCE (TAXATION) DEPARTMENT
DISPUR GUWAHATI 78100

Advocate for the Petitioner : MR A CHOWDHURY, MR. S DUTTA,IMSENKALA,MS. B
CHOWDHURY,MR A CHOWDHURY

Advocate for the Respondent : GA, ASSAM, SC, FINANCE AND TAXATION

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

ORDER

Date : 25.11.2024

Heard Mr. A. Choudhury, learned Senior Counsel assisted by Ms. B. Choudhury, learned counsel for the applicant.

The applicant, herein, as petitioner, had instituted WP(C)5862/2024, interalia, assailing the initiation of departmental proceeding against her.

The Co-ordinate Bench of this Court, vide order dated 13.11.2024 while issuing notice in the matter, had also issued notice on the interim prayer making it returnable by 06.12.2024. After passing of the said order dated 13.11.2024, the applicant was served with a communication dated 16.11.2024, issued by the Enquiry Officer, appointed in the departmental proceeding so initiated against her, requiring her to appear before him on 26.11.2024, leading to the institution of the present Interlocutory application.

It has been brought to the notice of this Court, in similar matters; the Co-ordinate Benches of this Court have stayed the continuation of the departmental proceeding instituted against persons, similarly situated like the applicant herein. However, considering the fact that the Co-ordinate Bench of this Court, vide the order dated 13.11.2024 in WP(C)5862/2024, has fixed the matter on 06.12.2024 for consideration of the interim prayers made in the writ petition, this Court, hereby directs that till 06.12.2024, the Enquiry Officer and/or the disciplinary authority of the applicant, in terms of the communication dated 16.11.2024, shall not insist upon the presence of the petitioner in the enquiry and shall not proceed further in the enquiry so instituted in respect of the applicant, herein, till 06.12.2024. The proceeding in the departmental enquiry instituted against the

petitioner shall be so guided by the order(s) that would be so passed on 06.12.2024 in WP(C)5862/2024.

With the above observations and directions, the Interlocutory application stands disposed of.

JUDGE

Comparing Assistant