

GAHC010261782023



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

Case No. : WP(C)/6824/2023

ALTAF HUSSAIN
SON OF LATE GAFUR ALI,
RESIDENT OF GARIGAON,
P.S.- JALUKBARI, GUWAHATI,
DIST.- KAMRUP(M), ASSAM,
PIN- 781012.

VERSUS

THE STATE OF ASSAM AND 3 ORS
FOOD, CIVIL SUPPLIES AND CONSUMER AFFAIRS DEPARTMENT
(GOVT. OF ASSAM),
REPRESENTED HEREIN BY ITS ADDL. CHIEF SECRETARY TO THE GOVT.
OF ASSAM,
DISPUR SACHIVALAYA, DISPUR,
GUWAHATI-05, DIST.- KAMRUP(M),
ASSAM.

2:THE ADDL. CHIEF SECRETARY
(GOVT. OF ASSAM)
FOOD
CIVIL SUPPLIES AND CONSUMER AFFAIRS DEPARTMENT
(GOVT. OF ASSAM)

DISPUR SACHIVALAYA
DISPUR

GUWAHATI-05
DIST.- KAMRUP(M)

ASSAM.

3:SECRETARY
(GOVT. OF ASSAM)
FOOD
CIVIL SUPPLIES AND CONSUMER AFFAIRS DEPARTMENT
(GOVT. OF ASSAM)

DISPUR SACHIVALAYA

DISPUR
GUWAHATI-05

DIST.- KAMRUP(M)
ASSAM.

4:DHRUBA KUMAR DAS
JOINT CONTROLLER OF LEGAL METROLOGY (ADMINISTRATION)

ADDRESS- OFFICE OF THE FOOD
CIVIL SUPPLIES AND CONSUMER AFFAIRS DEPARTMENT

GOVT. OF ASSAM
ASSAM SECRETARIAT

DISPUR
GUWAHATI-06
DISTRICT- KAMRUP(M)
ASSAM

Advocate for the Petitioner : MR. S CHAMARIA

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM

ORDER

24.01.2024

Heard Mr. A. N. Sharma, learned counsel for the petitioner. I have also heard Mr. T. C. Chutia, learned Addl. Senior Govt. Advocate, Assam appearing on behalf of respondent Nos.1, 2 and 3. None has appeared for the respondent No.4.

The writ petitioner herein is serving as Deputy Controller of Legal Metrology, Department of Food, Civil Supplies and Consumer Affairs, Government of Assam. He is due to retire from service on attaining the age of superannuation on 25.02.2024. The grievance of the petitioner is that although he is eligible for promotion to the next higher post of Joint Controller, Legal Metrology, yet, his case has not been considered till today. Hence, this writ petition.

Taking note of the grievance expressed in the writ petition, this Court had passed order dated 12.01.2024 requesting the learned Government Advocate, Assam to obtain instruction and apprise this Court, if the case of the petitioner is being considered by the DPC on any date prior to his retirement. In response to the above, the learned Government Advocate has produced a copy of the written instruction dated 22.01.2024 which goes to show that the petitioner was earlier placed under suspension but no departmental proceeding had been initiated against him. Although the petitioner was reinstated in service as Deputy Controller of Legal Metrology (Zonal), yet, his period of suspension from 29.09.2021 to 25.04.2022 had not been regularised due to want of certain documents and particulars from the Home and Political Department, Government of Assam. The written instruction dated 22.01.2024, however, categorically reflects that the case of the petitioner will be considered for promotion by convening a DPC prior to his retirement from service.

Mr. Chutia, learned Addl. Senior Govt. Advocate, Assam submits that the petitioner has become due for promotion only on 12.01.2024. Therefore, the department is contemplating to consider his case for promotion as per the projection made in the written instruction.

Mr. Sharma, learned counsel for the petitioner submits that if the case of his client is considered for promotion prior to his retirement, the petitioner would remain satisfied.

Having heard the learned counsel for the parties and taking note of the projections made in the written instruction dated 22.01.2024 issued by the Secretary to the Government of Assam, Food, Public Distribution and Consumer Affairs Department, Dispur, this writ petition is being disposed of by providing that the departmental authorities may convene a DPC for considering the case of the petitioner for promotion to the next higher rank of Joint Controller of Legal Metrology within three weeks from today. It is made clear that the consideration shall include not only the petitioner but also other eligible departmental candidates who may be in the zone of consideration. The consideration of the petitioner will be subject to his fulfilling the eligibility norms. Facilitating the above process, the respondents may take all necessary steps for regularising the period of suspension of the petitioner for the period mentioned herein above.

With the above observation, the writ petition stands disposed of.

JUDGE

Comparing Assistant