

GAHC010274482023



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

Case No. : WP(C)/7059/2023

NASIR UDDIN
S/O- LT. MOULANA ABED HUSSAIN, VILL- RATABAR, P.O. RATABARI,
DIST.- KARIMGANJ, ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE SECRETARY TO THE GOVT. OF ASSAM,
DEPARTMENT OF SCHOOL EDUCATION, ASSAM, DISPUR, GUWAHATI-
781006

2:THE DIRECTOR OF SECONDARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI-1

Advocate for the Petitioner : MR. M KHAN

Advocate for the Respondent : SC, SEC. EDU.

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

ORDER

Date : 18.01.2024

Heard Mr. M. Khan, learned counsel for the petitioner.

The petitioner has instituted the present proceeding being aggrieved by an order dated 26.05.2017, by which; a penalty of withholding 2 increments with cumulative effect was imposed upon him. The period of suspension of the petitioner was directed to be treated as not on duty for all purposes.

In pursuance to an order dated 08.06.2022, passed by this Court in WP(C)904/2018, the Director of Secondary Education, Assam had afforded an opportunity of hearing to the petitioner on 08.12.2022 and thereafter vide his order dated 17.06.2023, on consideration of the matter had retained the earlier penalty, but, held that the suspension period of the petitioner shall be counted as on duty for all purpose. The petitioner being aggrieved had instituted an appeal under Rule 15 of the Assam Services (Discipline and Appeal) Rules, 1964, before the Secretary, Government of Assam, Department of School Education on 07.09.2023. The said appeal is presently pending disposal.

In view of the above, without opining anything on the merits of the matter, the Secretary, Government of Assam, Department of School Education is directed to take on record the appeal of the petitioner and to dispose of the same within a period of 2(two) months from the date of receipt of certified copy of this order.

The appellant authority shall provide an opportunity of hearing to the petitioner and thereafter basing on the contentions raised in the appeal as well as the material that may be brought on record in the hearing, pass a speaking order

dealing with all such contentions that the petitioner has so raised.

The above exercise be completed within a period of 3(three) months from the date of receipt of a certified copy of this order.

The petitioner for taking the matter forward shall submit a certified copy of this order before the Secretary, Government of Assam, Department of School Education.

With the above observations and directions to the petitioner, the writ petition stand disposed of.

JUDGE

Comparing Assistant