

GAHC010292942023



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

Case No. : I.A.(Civil)/4/2024

RABINDRA DEKA

S/O LATE DEBANDRA DEKA, R/O BONGAON, BELTOLA, GUWAHATI-28,
PRESENTLY WORKING AS DEPUTY DIRECTOR I/C, FOOD, CIVIL SUPPLIES
AND CONSUMER AFFAIRS DEPARTMENT, GOVERNMENT OF ASSAM AND
POSTED AT MASALPUR, BAKSA

VERSUS

THE STATE OF ASSAM AND 3 ORS.

REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF ASSAM,
FOOD, CIVIL SUPPLIES AND CONSUMER AFFAIRS DEPARTMENT, DISPUR,
GUWAHATI-6

2:THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF ASSAM
FINANCE (2) DEPARTMENT
DISPUR
GUWAHATI-6

3:THE COMMISSIONER
FOOD
CIVIL SUPPLIES CONUSMER AFFAIRS AND LEGAL METROLOGY
ULUBARI
GUWAHATI-7

4:THE ACCOUNTANT GENERAL (A AND E)
ASSAM
BELTOLA
GUWAHATI-2

Advocate for the Petitioner : MR D N BHATTACHARYYA

Advocate for the Respondent : GA, ASSAM

Linked Case : WP(C)/6132/2023

RABINDRA DEKA
S/O LATE DEBANDRA DEKA
R/O BONGAON
BELTOLA
GUWAHATI-28
PRESENTLY WORKING AS INSPECTOR OF FOOD
CIVIL SUPPLIES AND CONSUMER AFFAIRS DEPARTMENT
GOVERNMENT OF ASSAM AND POSTED AT KAMRUP (M)
GUWAHATI

VERSUS

THE STATE OF ASSAM AND 3 ORS.
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF ASSAM
FOOD
CIVIL SUPPLIES AND CONSUMER AFFAIRS DEPARTMENT
DISPUR
GUWAHATI-6

2:THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF ASSAM
FINANCE (2) DEPARTMENT
DISPUR
GUWAHATI-6

3:THE COMMISSIONER
FOOD
CIVIL SUPPLIES CONUSMER AFFAIRS AND LEGAL METROLOGY
ULUBARI
GUWAHATI-7

4:THE ACCOUNTANT GENERAL (A AND E)
ASSAM
BELTOLA
GUWAHATI-29

Advocate for : MR D N BHATTACHARYYA

Advocate for : GA

ASSAM appearing for THE STATE OF ASSAM AND 3 ORS.

Linked Case : I.A.(Civil)/5/2024

RABINDRA DEKA
S/O LATE DEBANDRA DEKA
R/O BONGAON
BELTOLA
GUWAHATI-28
PRESENTLY WORKING AS DEPUTY DIRECTOR I/C
FOOD
CIVIL SUPPLIES AND CONSUMER AFFAIRS DEPARTMENT
GOVERNMENT OF ASSAM AND POSTED AT MASALPUR
BAKSA

VERSUS

THE STATE OF ASSAM AND 3 ORS.
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF ASSAM
FOOD
CIVIL SUPPLIES AND CONSUMER AFFAIRS DEPARTMENT
DISPUR
GUWAHATI-6

2:THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF ASSAM
FINANCE (2) DEPARTMENT
DISPUR
GUWAHATI-6

3:THE COMMISSIONER
FOOD
CIVIL SUPPLIES CONUSMER AFFAIRS AND LEGAL METROLOGY
ULUBARI
GUWAHATI-7

4:THE ACCOUNTANT GENERAL (A AND E)
ASSAM
BELTOLA
GUWAHATI-29

Advocate for : MR D N BHATTACHARYYA

Advocate for : GA

ASSAM appearing for THE STATE OF ASSAM AND 3 ORS.

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

12.01.2024

Heard Mr. D.N. Bhattacharyaa, learned counsel for the applicant. Also heard Mr. R. Borpujari, learned Standing counsel, Finance; Mr. R. Dhar, learned Addl. Sr. Government Advocate for the Accountant General and Ms. A Talukdar, learned Standing Counsel, Food and Civil Supplies.

This interlocutory application has been filed by the applicant praying for directions to correct the designation of the applicant as reflected in the cause title of the order as well in the writ petition being W.P.(C) No. 6132/2023.

The learned counsel for the applicant submits that although initially he was working as Inspector, Food and Civil Supply, subsequently he was promoted and posted as Deputy Director In-Charge, Food and Civil Supplies & Consumer Affairs, Government of Assam and posted at Masalpur, Baksa Assam. The learned counsel for the applicant submits that petitioner was posted as such on a date when the writ petition was filed i.e. on 10.10.2023. However, by oversight the designation of the applicant was wrongly written as Inspector, Food and Civil Supplies in the cause title. The learned counsel for the applicant submits that in the body of the writ petition more particularly paragraph No. 1, it was stated that he was promoted as a Superintendent, Food and Civil Supplies and presently posted at Deputy Director (In-charge), Food and Civil Supplies and Consumer Affairs, Musalpur, Baksa. However, this fact could not be brought to notice of the Court and the cause title in the writ petition could not be corrected at the appropriate time. Thereafter the writ petition came to be disposed by order dated 13.12.2023. The learned counsel for the applicant

submits that since the writ petition has been disposed of and there is a direction by the Court to the Finance Department to take a decision on the claims of the petitioner for relaxation of FR 17 on the basis of the proposals stated to be put up by the administrative department and the entire exercise was directed to be completed within a period of three weeks from the date of receipt of certified copy, the incorrect reflection of the designation of the applicant in the cause title has become a hindrance in compliance of the order by the respondents. Under such circumstances, the Interlocutory Application has been filed praying for correction of the cause title in W.P(C) No. 6132/2023.

The learned counsels for the respondents do not object to the prayer made.

Having perused the pleadings on record and upon hearing the submissions of the learned counsel for the applicant, this Court finds that the submissions made are indeed correct and in Paragraph-1 of the writ petition, the correct designation was reflected however in the cause title of the writ petition.

In that view of the matter, the cause title in W.P.(C) No. 6132/2023 stands corrected and read as In-charge Deputy Director, Food and Civil Supplies and Consumer Affairs Department, Government of Assam posted at Musalpur, Baksa. The applicant will file amended cause title in the Registry which shall be put up and connect it to the W.P.(C) No. 6132/2023 along with a copy of this order.

In view of the directions above, the interlocutory applications stand allowed.

The correction is permitted when the applicant will file amended cause title before the Registry within two weeks.

This order be read together with the order dated 13.12.2023 passed in W.P(C) No. 6132/2023.

The period of three weeks mentioned in the order dated 13.12.2023 is also

extended by another period of three weeks from the date of this order subject to submission of a copy of this order before the Competent Authority along with the corrected cause title.

Accordingly, the Interlocutory applications are allowed and disposed of.

JUDGE

Comparing Assistant