

GAHC010294222023



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

Case No. : WP(C)/20/2024

KANAK CHANDRA ROY
S/O LATE KABI CHANDRA ROY, R/O PRINCE ENCLAVE, BYE-LANE 1,
MOTHER TERESA ROAD, ZOO-ROAD TINIALI, GUWAHATI-781021, ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT OF
ASSAM, ASSAM SECRETARIAT, DISPUR, GUWAHATI-781006, ASSAM

2:THE SPECIAL COMMISSIONER AND SPECIAL SECRETARY TO THE
GOVERNMENT OF ASSAM
PUBLIC WORKS DEPARTMENT (BUILDING AND NATIONAL HIGHWAY)
DISPUR
GUWAHATI-781006
ASSAM

3:THE SECRETARY
PUBLIC WORKS (BUILDING AND NATIONAL HIGHWAY) DEPARTMENT
GOVERNMENT OF ASSAM
DISPUR
GUWAHATI-781006
ASSAM

4:THE DEPUTY SECRETARY TO THE GOVERNMENT OF ASSAM
PUBLIC WORKS (BUILDING AND NATIONAL HIGHWAY) DEPTT
ESTABLISHMENT-B BRANCH
DISPUR-781006
ASSA

Advocate for the Petitioner : MR. M K CHOUDHURY

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

Date : 08-01-2024

Heard Mr. M.K. Choudhury, learned Sr. counsel assisted by Mr. D. Borah, learned counsel for the writ petitioner. Also heard Mr. P. Nayak, learned standing counsel, PWD, Assam appearing for the respondent Nos. 2 to 4 and Mr. T.C. Chutia, learned Addl. Sr. Govt. Advocate, Assam appearing for the respondent No. 1.

The case of the writ petitioner, in a nutshell, is that he is presently holding the post of Assistant Engineer (Civil) in the office of the Chief Engineer, PWD, Assam. The writ petitioner was promoted from the post of Junior Engineer (Civil) to the post of Assistant Engineer (Civil) on 05-12-2023. However, his juniors were promoted to the post of Assistant Engineer (Civil) on 16-09-2015. On the earlier occasion, the case of the petitioner was ignored merely because there was a cloud of doubt as regards the validity of the degree held by him, i.e. AMICE(I) granted by the Institution of Civil Engineers (India) in the year 2011. At that time, it was not clear as to whether, that was a degree equivalent to the degree of Bachelor of Engineer held by the other departmental candidates. Subsequently, the aforesaid controversy was resolved and the petitioner's degree was accepted as equivalent to B.E. where-after, he was promoted.

The grievance of the petitioner is that his promotion to the rank of Assistant Engineer (Civil) ought to have been counted with effect from the date when his juniors were promoted i.e. 16-09-2015 since his promotion was delayed for no fault on his part.

Mr. Choudhury, learned Sr. counsel for the writ petitioner has invited the attention of this Court to the representation dated 08-12-2023 submitted by the petitioner before the competent authority ventilating his grievance in the matter. The learned Sr. counsel has also produced orders passed by this Court in similar writ petitions being W.P.(C) No. 7027/2023 and W.P.(C) No. 7006/2023 instituted by similarly situated departmental candidates, with the same grievance, whereby a direction was issued to the authorities to consider their representation. Mr. Choudhury submits that on the basis of such orders of this Court, the representations submitted by those candidates had been considered and their grievances were redressed. Mr. Choudhury, therefore, seeks similar order in the present proceeding as well.

The learned departmental counsel submits that he would have no objection, if an order is passed by this Court to consider the representation submitted by the petitioner.

In view of the above and having regard to the facts and circumstances of the case, this writ petition stands disposed of at the stage of motion hearing with a direction upon the respondent No. 2 to consider the representation dated 08-12-2023 (Annexure-17) submitted by the petitioner and pass appropriate order(s) therein within a period of 45 days from the date of receipt of a certified copy of this order.

Writ petition is accordingly closed.

JUDGE

GS

Comparing Assistant