GAHC010020322020

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

Case No. : WP(C)/572/2020

UTTAM SENGUPTA
S/O- LATE DILIP KUMAR SENGUPTA, SECRETARY OF KACHUA GAON PANCHAYAT, UNDER KATHIATOLI, DEVELOPMENT BLOCK, DIST- NAGAON, PERMANENT ADDRESS- R/O- VILL- KHANGER GAON, BIDHANPOLLI, P.O AND P.S- LUMDING, DIST- HOJAI, ASSAM

VERSUS

THE STATE OF ASSAM AND 6 ORS
REP. BY THE COMMISSIONER, PNRD DEPTT, PANJABARI, GUWAHATI- 37, ASSAM

2:THE COMMISSIONER

3:THE JOINT DIRECTOR

4:DEPUTY COMMISSIONER

5:THE CEO

6:THE BDO

7:KUMUD CHANDRA BOR

Advocate for the Petitioner : MR. P C DEY

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

Date : 23-11-2020

Heard Mr. P.C. Dey, learned counsel for the petitioner. Also heard Mr. M. Nath, learned standing counsel for the PNRD Department.

2) Being aggrieved with the impugned transfer order dated 18.01.2020, transferring the petitioner from Kachua Gaon Panchayat under Kathiatoli Development Block, Nagaon, the petitioner has preferred this writ petition.

3) The petitioner's counsel submits that the petitioner has been frequently transferred during his service period and in the last 10 years he has been transferred seven times. He submits that the petitioner has submitted a representation dated 20.01.2020 to the respondent No. 2 to reconsider the transfer order. However, the said representation has not been decided by the respondent No. 2 till date.

4) The petitioner's counsel submits that in view of the facts stated above, the petitioner may be allowed to submit a fresh representation, challenging the impugned transfer order and till a decision is taken against the fresh representation by the respondents, the impugned transfer order should not be given effect to.

5) Mr. M . Nath, learned counsel for the respondents submits that he has got no objection to the prayer made by the learned counsel for the petitioner.

6) On considering the submissions made by the counsels for the parties, the petitioner is given the liberty to file a fresh representation to the respondent No. 2 against the impugned transfer order dated 18.01.2020, which should be submitted within three weeks from today.

7) The respondent No. 2 shall thereafter take a decision on the representation made by the petitioner, within a further period of six weeks, from the date of receipt of the representation.

8) Till a decision is taken by the respondent No. 2, the interim order of Status Quo passed by this Court on 31.01.2020 shall remain.

9) The writ petition is accordingly disposed of.

JUDGE

Comparing Assistant