GAHC010175302020

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

Case No. : WP(C)/5262/2020

PARESH SARMA
RESIDENT OF QUARTER NO. 20, IRRIGATION COLONY, CHANDMARI,
GUWAHATI 3, KAMRUP M ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE SECRETARY TO THE GOVT. OF ASSAM .
IRRIGATION DEPARTMENT, DISPUR, GUWAHATI 6

2:THE CHIEF ENGINEER.
IRRIGATION DEPARTMENT
ASSAM
CHANDMARI. GUWAHATI 03

3:THE ADDITIONAL CHIEF ENGINEER

IRRIGATION DEPARTMENT
ASSAM
CHANDMARI. GUWAHATI 03

4:THE ADDITIONAL CHIEF ENGINEER

ZONE I. IRRIAGATION
BARPETA
ASSAM
PO AND PS BARPETA
ASSAM 78130

Advocate for the Petitioner : DR. B AHMED

Advocate for the Respondent : SC, IRRIGATION

BEFORE
HONOURABLE MR. JUSTICE MANOJIT BHUYAN

ORDER

11.12.2020

Heard Dr. B. Ahmed, learned counsel for the petitioner as well as Mr. N. Upadhya, learned counsel representing all the respondents.

Having regard to the facts emerging and as agreed to by the counsels for the parties, this writ petition is taken up for final disposal at the Motion stage itself.

Petitioner is aggrieved of the Office Order dated 27.10.2020, issued under the hand of the Chief Engineer, Irrigation, Assam whereby he has been transferred and posted in the same capacity in the Office of the Additional Chief Engineer, Zone-I Irrigation, Barpeta. Prior to the said Office Order he was serving as Senior Assistant, Budget Branch in the Office of the Chief Engineer, Irrigation, Chandmari, Assam. Ground assigned is that the transfer order is a consequence of his letter seeking permission to meet the Secretary & Commissioner to the Government of Assam, Irrigation Department to apprise him of some ground level facts taking place in the Budget Branch, in order that functioning of the office becomes smooth and corruption-free. On the score of personal hardship, it is also stated that the petitioner is suffering from medical ailment, requiring constant family support as well as continuous medical treatment and that his posting at Barpeta will only aggravate his medical condition. It is also stated that necessary representation was made to the Chief Engineer, Irrigation on 30.10.2020, requesting sympathetic consideration of his transfer and posting which, according to the petitioner, has not yet fallen for consideration.

On the above, petitioner makes a limited prayer that a direction be issued to the Chief Engineer, Irrigation for early disposal of the representation dated 30.10.2020.

Mr. Upadhya submits that the petitioner has been working at Guwahati since his initial date of appointment and his transfer and posting at Barpeta is on account of the fact that a vacancy have arisen on the retirement of the incumbent who was holding the post of Senior

Assistant and such post requires to be filled up without delay.

Be that as it may, Mr. Upadhya submits that if a direction is made by this Court for disposal of the representation, the same will be done within the time as may be specified by this Court.

On the above and without further ado, this writ petition stands disposed of with direction to the Chief Engineer, Irrigation, Assam to consider and dispose of the representation of the petitioner dated 30.10.2020, as expeditiously as possible, preferably within an outer limit period of 3 (three) weeks from the date of receipt of a certified copy of this order. Petitioner is permitted to furnish a copy of this order along with a copy of the writ petition to the Chief Engineer, Irrigation, Assam for his doing the needful in terms of the above.

The writ petition stands accordingly disposed of.

JUDGE

Comparing Assistant