GAHC010227642025

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

Case No. : WA/364/2025

SRI SUMIT DEY
SON OF TUSHAR KANTI DEY PERMANENT RESIDENT OF H NO 7 BILPURA COLONY NEAR TATA TOWER VFJ JABALPUR MADHYA PRADESH PRESENTLYRESIDING AT LEPETKATA PO DIBRUGARH PS DIBRUGARH DISTRICT DIBRUGARH ASSAM, PIN 786004

VERSUS

THE UNION OF INDIA AND 5 ORS
REPRESENTED BY THE SECRETARY TO THE GOVT OF INDIA DEPARTMENT OF FERTILIZERS MINISTRY OF CHEMICAL AND FERTILIZERS SHASTRI BHAWAN NEW DELHI 110001

2:THE BRAHMAPUTRA CRACKER AND POLYMER LIMITED
A GOVERNMENT OF INDIA ENTERPRISE REPRESENTED BY ITS GENERAL MANAGER H.R CHAIRMAN AND MANAGING DIRECTOR PO LEPERTKATA PS DIBRUGARH DISTRICT DIBRUGARH ASSAM
PIN 786006

3:THE MANAGING DIRECTOR
BRAHMAPUTRA CRACKER AND POLYMER LTD. 1ST FLOOR HOUSE NO 6 BHUBAN ROAD UZANBAZAR
GUWAHATI
ASSAM 781001

4:THE DIRECTOR FINANCE AND REVIEWING AUTHORITY
BRAHMAPUTRA CRACKER AND POLYMER LTD. ADMINISTRATIVE BUILDING BCPL LEPETKATA DIBRUGARH
ASSAM
PIN 786006

5:THE CHIEF GENERAL MANAGER BRAHMAPUTRA CRACKER AND

POLYMER LIMITED
ADMINISTRATIVE BUILDING PO LEPETKATA 786006
DISTRICT DIBRUGARH ASSAM

6:THE DEPUTY GENDERAL MANAGER
HUMAN RESOURCE DEPARTMENT BRAHMAPUTRA CRACKER AND POLYMER LTD ADMINISTRATIVE BUILDING BCPL LEPETKATA
DIBRUGARH ASSAM
78600

For the Petitioner/Appellant(s) : Mr. Vijay Raghav Singh, Advocate
Mr. S. Dutta, Advocate

For the Respondent(s) : Mr. S. Mitra, Advocate

– **B E F O R E** –
HON'BLE THE CHIEF JUSTICE MR. ASHUTOSH KUMAR
HON'BLE MR. JUSTICE KAUSHIK GOSWAMI

25.11.2026
(Ashutosh Kumar, CJ)

We have heard Mr. Vijay Raghav Singh, assisted by Mr. S. Dutta, learned Advocates for the appellant, and Mr. S. Mitra, learned Advocate for respondents No. 2 to 6.

The appellant, an employee of the Brahmaputra Craker and Polymer Limited (BCPL), a public sector undertaking in the State of Assam (hereinafter referred to as "company"), was subjected to a departmental proceeding, in which he was exonerated. The charge against him was of having furnished a certificate of experience, which was not absolutely true. The disciplinary authority exonerated the appellant sometimes in the year 2020.

It appears that after 2½ years, the management of the company, invoking rule 39 of the BCPL Employees (Conduct, Discipline & Appeal

Rules, 2013 (hereinafter referred to as "Rules of 2013"), reviewed its earlier decision of exonerating him and imposed upon him a minor penalty of "censure". The delay in reviewing the earlier decision appears to have been condoned by the reviewing authority under rule 41 of the afore-noted Rules of 2013.

The appellant questioned such decision of the reviewing authority before the learned Single Judge on several grounds, namely, that no proper notice was given to him by the company before reviewing its earlier decision or imposing the penalty of "censure"; that the reviewing authority on wrong premise condoned the delay of 2 ½ years, which was contrary to the decisions of the Supreme Court on the issue and that the ground of Covid pandemic was available only for private litigants and not for statutory authorities.

However, the learned Single Judge, vide the impugned judgment dated 27.08.2025 passed in WP(C) No. 6731/2022, held that there was no anomaly in the review order of the company and that good grounds existed for condoning the delay of 2½ years by invoking the review jurisdiction.

Though the learned counsel for the appellant has challenged the afore-noted review order as also the judgment passed by the learned Single Judge on the grounds of the scope and limits of the reviewing authority under the Rules of 2013, but it appears that when the punishment of censure now is not effective after passage of three years, no useful purpose will be served in entertaining such objection, especially when the learned Single Judge has found that there were good grounds for the reviewing authority to review the order, as it related to the

genuineness of the claim of the appellant with regard to his having gained experience at the time of his initial appointment.

True it is that rule 39 of the Rules of 2013 could only have been invoked by the disciplinary authority within six months for reviewing its earlier order, but considering the charge, which could have galvanized into a serious one, if found correct, it was a reasonable justification for application of the review jurisdiction.

Regard being had to the afore-noted facts, we do not find good reasons to interfere with the judgment impugned and we reiterate that this opinion is based on the ground that the effect of the punishment imposed on the appellant has already expired.

Accordingly, this appeal is dismissed.

Cost easy.

JUDGE **CHIEF JUSTICE**

Comparing Assistant