
(2021) 06 GAU CK 0082
In the Gauhati High Court
Case No : Writ Appeal No. 151 Of 2021

Jatish Chandra Bora And 2 Ors.

APPELLANT

Vs

State Of Assam And 3 Ors

RESPONDENT

Date of Decision : 15-06-2021

Acts Referred:

Citation : (2021) 06 GAU CK 0082

Hon'ble Judges : Sudhanshu Dhulia, CJ; Manash Ranjan Pathak, J

Bench : Division Bench

Advocate : K N Choudhury, J

Judgement

Heard Mr. KN Choudhury, learned senior counsel for the appellants. Also heard Mr. B Goswami, learned Standing Counsel, Water Resources

Department appearing for the respondents.

This writ appeal has been filed against the judgment and order dated 18.05.2021 passed by the learned Single Judge in WP(C) 8688/2019.

The petitioners before the learned Single Judge challenged the impugned show-cause notice dated 31.10.2019 by which explanation was called for as

to why they should not be reverted back from the post of Section Assistant to that of Khalasi. All the same, the writ petition [WP(C) 8688/2019] filed

by the petitioners did not find favour with the learned Single judge and it was dismissed. Subsequently the petitioners are before this Court in the

present writ appeal.

In a similar matter, i.e. WA 148/2021, while hearing the said appeal, we made a limited intervention in the matter by directing that the

petitioners/appellants would continue to get the salary of Section Assistant with certain other directions, until further orders. Since this matter is

absolutely similar to the matter in WA 148/2021, learned senior counsel Mr. KN Choudhury prays that the said interim order be also granted in favour of the present writ appellant.

Mr. D Saikia, learned Advocate General, who is for the State and had appeared in the earlier matter as well, admits the position that this matter is

absolutely similar to the one in which interim order dated 11.06.2021 was passed.

In view of the above submission, we pass the same order as it was passed in WA 148/2021 on 11.06.2021 and order as follows:

Purely on considerations of the fact that the petitioners had been working as Section Assistant since 2010, even though by way of a temporary

promotion, and more importantly they had been getting salary on the post of Section Assistant, we make a limited intervention at this stage. The

petitioners shall continue to be given salary of Section Assistant until further orders of this Court. However, they would presently have no lien on the

posts of Section Assistant. The Department concerned shall be at liberty to take the work from the petitioners, as the contingency demands the work

of a Section Assistant or that of a Khalasi. The petitioners will duly abide by the same, till the matter is heard on its merit.

List on August 4, 2021 along with WA 148/2021.