
(2018) 06 GAU CK 0091
In the Gauhati High Court
Case No : Writ Petition (C) No. 3977 of 2018

Khanindra Kumar Nath

APPELLANT

Vs

State Of Assam And Ors.

RESPONDENT

Date of Decision : 18-06-2018

Acts Referred:

Assam Services (Discipline & Appeal) Rules, 1964 — Rule 6(2)

Citation : (2018) 06 GAU CK 0091

Hon'ble Judges : L.S. JAMIR, J

Bench : Single Bench

Advocate : J.I. Borbhuiya, A. Das, D. Nath

Final Decision : Disposed Off

Judgement

1. Heard Mr. J.I. Borbhuiya, learned counsel appearing for the petitioner as well as Mr. A. Das, learned Standing Counsel, Forest Department for the respondent Nos. 2 and 3 and Mr. D. Nath, learned Additional Senior Government Advocate appearing for the respondent No. 1.

2. The petitioner was appointed as Forest Range Officer on 01.05.1985. After rendering service in different Forest Divisions of the State, the petitioner is now presently serving in the office of the Principal Chief Conservator of Forest, Panjabari, Guwahati. While the petitioner was serving as Forest Ranger at Jonai Range under Dhemaji Forest Division, Dhemaji, he was placed under suspension with immediate effect by an order dated 27.01.2016.

3. The suspension order dated 27.01.2016 was challenged before this Court by the petitioner through WP(C) 628/2016, which was subsequently disposed of by an order dated 22.02.2016 directing the Commissioner and Secretary to the Government of Assam, Environment and Forest

Department to consider vacation of the suspension order of the petitioner dated 27.1.2016 in terms of the proviso to Rule 6 (2) of the Assam Services

(Discipline & Appeal) Rules, 1964 by seeking an explanation/clarifications from the petitioner, if necessary.Â Â

4. Thereafter, the petitioner was served with an explanation call letter dated 30.03.2016 issued by the respondent No. 2. Reply to the explanation call letter was made on 31.03.2016. Thereafter by a notification dated 08.02.2018 issued by the respondent No. 2 suspension order in respect of the petitioner was vacated and he was reinstated in service with immediate effect.

5. It is the case of the petitioner that the department of Personnel, Personnel (B) Branch has issued an Office Memorandum dated 05.09.1979 and

also a communication dated 11.02.1982 which provides that Government servants who have been continuing under suspension for a period exceeding

6(six) months should be examined by the Disciplinary Authority/Appellate Authority sympathetically and in appropriate cases, orders of reinstatement should be issued immediately.

6. The case of the petitioner is that despite being reinstated into service no salary has been paid nor is there any indication of any disciplinary

proceedings. Therefore, the petitioner had made a representation dated 14.02.2018 addressed to the respondent No. 2 requesting for exoneration from

the charges leveled against him and also regularizing the period of suspension w.e.f 27.01.2016 up to date. The said representation is also yet to be

addressed by the respondent No. 2 and therefore being aggrieved, the petitioner is before this Court.

7. After hearing learned counsel for the the parties and on consideration of the materials available on record, this writ petition is disposed of at the

motion stage with a direction to the respondent No. 2 i.e. the Secretary to the Government of Assam, Environment and Forest Department to consider

and dispose of the representation dated 14.02.2018 by a speaking order and in accordance with law within a period of 45 days from the date of receipt

of a copy of the order of this Court by the respondent No. 2. The outcome of the consideration shall also be intimated to the petitioner.

8. With the above observations and directions, this writ petition is disposed of.