

(1999) 10 GAU CK 0013
In the Gauhati High Court
Case No : Writ Petition (C) No. 4765 of 1999

Puspanjali Barman

APPELLANT

Vs

State of Assam and Others

RESPONDENT

Date of Decision : 13-10-1999

Acts Referred:

Citation : (2000) 2 GLT 1

Hon'ble Judges : J.N. Sharma, J

Bench : Single Bench

Advocate : M.K. Choudhury and P.C. Kalita, for the Appellant; B. Goswami, G.A., for the Respondent

Final Decision : Allowed

Judgement

J.N. Sarma, J.—In terms of regular selection the Petitioner herein was appointed as Supervisor in the office of the Child Development Project, Officer, Sipajhar I.C.D.S. Project vide Annexure-D dated 6th January, 1999. That is quoted below:

Subject to the Police Verification and Medical Fitness Certificate Smti. Puspanjali Bannan C/OD/o Shri Lt...Balipathar College Rd. Village Chamata P.O. Chamata Dist-Nalbari is hereby temporarily appointed as Supervisor in the scale of pay of Rs. 3490.90-4480-120-4600-EB-120-5200-175-6600-250-8100/- P.M. plus other allowances as admissible under rule in the office of the Child Development Project Officer Sipajhar I.C.D.S. Project with immediate effect.

The incumbent will furnish a fitness certificate from the competent Medical Officer in the time of joining.

This appointment order will be valid upto 15 days from the receipt of this letter.

2. Earlier to it there was an advertisement on 8.3.96 and written test was held and thereafter oral interview was also held. That will be evident from Annexures-A, B and C to the writ application and the Petitioner was successful in the written test and oral interview but the most interesting part is that the Respondent No. 4

was the Child Development Project Officer at Sipajhar when the Petitioner went to join there. When the Petitioner got the appointment letter and went to join there the Respondent No. 4 did not allow the Petitioner to join there stating that he was not received any such instruction from the authority. That finds place in paragraph 8 of the writ application. That is quoted below:

That the Petitioner went to Sipajhar for joining as per the appointment letter on 18.1.99 after Bihu Holidays. But Sri Kulen Saikia the C.D.P.O. Sipajhar informed the Petitioner that he had not received any instruction or letter regarding the appointment of the Petitioner and therefore asked the Petitioner to visit after some days. So that in the mean time he could obtain confirmation of her appointment The Petitioner however submitted her appointment letter on that very day.

3. Thereafter, when the Petitioner again went to join in the 1st week of February, 1999 this time the Respondent No. 4 took up the plea that in terms of the letter of appointment she was to join within 15 days from the date of receipt of the order but she failed to do so She lost her right to join in the post. That finds place in paragraph 10 of the writ application.

4. It is on this background that this writ application was filed praying that the Respondents be directed to allow the Petitioner to allow in the post in terms of the appointment letter quoted above.

5. This Court earlier issued notice of motion on 27.9.99 and the notice was made returnable within 15 days considering the urgency of this matter and there was an order that the notice shall be served personally or by hand on the Respondent No. 4 the men C.D.P.O. That also has been done and the notice was received by this Respondent on 7th October, 1999 as will be evident from the letter produced by Sri M.K. Choudhury, learned advocate for the Petitioner. That letter is kept in record. The learned Govt. Advocate has not been able to receive any instruction and I do not feel that the learned Govt. Advocate should be granted any more time to receive instruction in view of the fact that the authority was not in a position to control its own bureaucrats and Officers and the bureaucrats and officers harassed the Petitioner and caused injustice to her and in that process the Petitioner has not been able to do service for the last seven months.

6. Accordingly, this writ application is allowed and the authority is directed to allow the Petitioner to join in her post within three days from die date of receipt of this order. The petition is allowed with an exemplary cost of Rs. 10,000/- and if necessary the cost may be realised from the person responsible for causing irreparable loss and injury to the Petitioner inasmuch as the Petitioner is not entitled to get the salary for these seven months and she also lost her seniority for this period of seven months in her service career and that cannot be compensated in terms of money.

7. The Petitioner shall obtain the certified copy of this order and shall produce the same before the authority to do the needful in terms of this order.