BEFORE
HON'BLE MR. JUSTICE S.R. SEN
CONT.CAS(C) No. 22 of 2012

18.02.2014

On the request of Mr. Mukul Singha, learned counsel, the matter is adjourned on the ground that the leading counsel for the respondents Mr. B. Pathak is out of station.

The learned counsel for the petitioner, Ms. R. Paul is present.

List this matter on 27.02.2014.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
WP(C) No. 200 of 2012

18.02.2014

Heard Mr. R. Jha, learned counsel appearing for and on behalf of the petitioner who submits that the impugned order dated 23.09.2009 was passed by the respondent arbitrarily without following any rules and norms.

The learned counsel also pointed out that when the impugned order was passed under the Assam Rifles Act, 1941 was not in existence, as such, the Commandant had no authority to dismiss a person from service, he had to take re-course under the Assam Rifles Act, 2006 and contended that the entire order is illegal and needs to be set aside.

On the other hand, the learned Sr. counsel, Mr. S.C. Shyam, CGC submitted that the petitioner deserted the service for 5(five) years continuously and approached this court almost after 8(eight) years from the date of dismissal/desertion. So, the petitioner in no way has any right to get re-instate back or mercy of the court.

After hearing the submissions advanced by the learned counsel at Bar, I am of the considered view that since the petitioner has approached the court, and there are some technical errors as raised by the learned counsel for the petitioner, let a fresh enquiry be held giving a chance to the petitioner to place his reasons for not joining the service in time or what compelled him to desert the service for such a long time. Let the enquiry be conducted in accordance with the rules and laws and to be completed within 3(three) months.

In the meantime, the impugned order dated 23.09.2009 shall remain kept in abeyance. However, it does not mean that he had to be re-instating automatically.

With this observation and direction, this instant writ petition stands disposed of.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
WP(C) No. 213 of 2011

18.02.2014

List this matter after 4(four) weeks' on request of the petitioners' counsel, Mr. BM. Roy Chyne.

The learned Sr. counsel for District Council, Mr. V.G.K. Kynta is present as well as the learned counsel, Mr. B. Bhattacharjee and Mr. K. Baruah, learned counsel for the respondent is present.

List this matter after 4(four) weeks.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
WP(C) No. 225 of 2012

18.02.2014

Heard Mr. R. Jha, learned counsel for the petitioner who submits that he is not feeling well, besides that, he is not thoroughly prepared with the case. So, he sought time.

The learned Sr. counsel, Mr. S.C. Shyam, CGC is present.

List this matter after 3(three) weeks.

JUDGE

D. Nary