

WP(C) 4861/2006
BEFORE
HON'BLE JUSTICE H. N. SARMA
WP(C) No 4861/2006

27.9.2006

BEFORE

THE HON'BLE MR JUSTICE H N SARMA

Heard Mr J Hussain, learned counsel for the petitioner and Mr B Banerjee, learned GA, AP.

The grievance of the petitioner in this writ petition is that he has been serving as Assistant Engineer (Civil) in the Koyu Sub-Division, East S iang District and thereafter he was deputed to the Department of Agriculture Pro duction Mandi Parishad Kishan Bhawan, Gomtinagar, Uttar Pradesh, on 13.5.2003. O n completion of the deputation, the petitioner was placed in his earlier place o f work at Koyu Sub-Sivision which order however, was modified vide order dated 1 4.9.2006. By the impugned order, the petitioner has been posted as ASW, Sangram, PWD division against the existing vacancy. Challenging the said order the petit ioner has approached this court.

It is grievance of the petitioner that the aforesaid order was p assed on the basis of an order passed by the High Court in WP(C) No 4143/2005 da ted 23.8.2006 by which the High Court directed the authority to consider and dis pose of the representation filed by the respondent No 4. Challenging the validit y of the impugned order the petitioner has also filed a representation before th e commissioner, PWD on 18.9.2006.

Mr Banerjee submits that the aforesaid representation has not ye t been disposed of. In view of the aforesaid discussion and in view of the natur e of relief sought for and also taking note of the power of judicial review in s uch matter, I am of the considered opinion that ends of justice would meet if th e writ petition is disposed of at the motion stage itself with certain direction that the Commissioner, PWD shall dispose of the representation of the petition er within a period of two weeks from today on receipt of a certified copy of thi s order by giving opportunity of hearing to the respondent No 4 also. The order that may be passed by the Commissioner, PWD shall be communicated to the petitio ner.

It is submitted by Mr Hussain that the impugned order has not ye t been given effect to and the petitioner is still working in the same place. Ac cordingly, it is directed that for the aforesaid period of 2 weeks, the parties shall maintain status quo.

With the aforesaid direction the writ petition is disposed of.

JUDGE

gch