

WP(C) 2831/2007

BEFORE

THE HON'BLE MR JUSTICE B.K. SHARMA

I have heard Mr. B.D. Konwar, learned counsel for the petitioner as well as Ms. R. Goswami, learned counsel representing the Accountant General, Assam i.e. the respondent No. 5. I have also heard Mr. Gogoi, learned counsel representing the respondent No. 2, 3 and 4.

The prayer made in this writ petition is for regularization of the particular period of service i.e. from 9.4.2003 (afternoon) to 26.5.2003 (forenoon). The petitioner has retired from service on 30.8.2006.

The aforesaid gap period, during the service tenure of the petitioner has occasioned due to the situation in which the petitioner could not join the place of his posting as because the incumbents therein did not hand over the charge. The writ petition being WP(C) No. 3301/2003 was filed by the petitioner for appropriate direction towards handing over of charge. The charge was handed over to the petitioner on 26.5.2003 during the pendency of the writ petition.

The respondent No. 5 by his letter dated 10.7.2007 addressed to the Secretary to the Government of Assam in the Health & Family Welfare (A) Department has requested to regularize the aforesaid period. In the letter it has been mentioned that E.L. is also in the credit of the petitioner and that there is no impediment towards regularization of the gap period.

In the affidavit-in-opposition filed by the respondent No. 3, it has been stated that within a shortest period of time, the proposal in respect of regularization of joining time will be placed before the Cabinet. The affidavit has been filed on behalf of the Secretary to the Government of Assam in the Health & Family Welfare Department.

In view of the above, the writ petition is disposed of with a direction to the respondents to do the needful towards regularization of the services of the petitioner for the aforesaid period in accordance with law. This shall be done as expeditiously as possible, preferably within 2 months from today. The respondents shall bear in mind that the petitioner has already been retired from service. Upon such regularization of the service of the petitioner, he shall be paid all retirement benefit immediately.

Writ petition is disposed of.