

WP(C) 7211/2015
BEFORE
HON'BLE MR. JUSTICE M.R. PATHAK

Head Mr D Chakraborty, learned counsel for the petitioner and Ms K Pukan, learned Standing Counsel, Elementary Education for the respondent Nos. 1,2 and 3. Also heard Mr S Sarma, learned Standing Counsel, SSA appearing for the respondent Nos. 4,5 and 6.

On the basis of a complaint dated 01.10.2015 lodged by the Block Elementary Education Officer-cum-Block Mission Coordinator, Sarba Shiksha Abhijan (SSA), Dhakuakhana Block, the District Elementary Education Officer -cum- District Mission Coordinator, Sarba Shiksha Abhijan (SSA), Lakhimpur, North Lakhimpur on the same date i.e. on 01.10.2015 itself by his order issued under Memo No. DMC/SSA/L/05-06/Estt/Show-Cause/83/997 suspended the petitioner, LDA cum Accountant under Dhakuakhana Block Mission Office, from service due to his unauthorized absence pending drawal of departmental proceedings.

Being aggrieved with the said order of suspension, the petitioner, on 3.10.2015, submitted an appeal before the District Elementary Education Officer -cum- District Mission Coordinator, SSA, Lakhimpur, North Lakhimpur which is still pending for disposal.

As the District Elementary Education Officer -cum- District Mission Coordinator, SSA, Lakhimpur, North Lakhimpur has not considered the appeal of the petitioner dated 3.10.2015 till date, the petitioner has preferred this petition.

The petitioner has brought to the notice of the Court with regard to the order No. SSA/Esstt/Office-Order/753/2013/5189 dated 14.08.2015 issued by the Mission Director, SSA, Assam wherein it has been notified that the spirit of the rules and procedure as prescribed under the Assam Services (Discipline & Appeal) Rules, 1964 followed by the Govt. of Assam for inquiry, departmental proceeding, award of punishment, appeals etc. shall be followed by Assam Sarba Siksha Abhiyan Mission ('A.S.S.A.M' in short) as and when any inquiry or departmental proceeding are required to be conducted in respect of any employee, contractual or otherwise, employed under the A.S.S.A.M.

Mr Chakraborty, learned counsel for the petitioner has placed reliance on Rule 6 of the Assam Services (Discipline & Appeal) Rules, 1964 and submitted that the impugned suspension order dated 01.10.2015 is not in conformity with the said Rule 6 of the 1964 Rules. Mr Chakraborty has further submitted that the appeal preferred by the petitioner before the District Elementary Education Officer -cum- District Mission Coordinator, SSA, Lakhimpur, North Lakhimpur is required to be disposed of by the said authority considering the genuine difficulties faced by the petitioner in remaining absent from his duties, as alleged.

After hearing the learned counsel for the parties, this writ petition is disposed of with a direction that the appeal of the petitioner dated 03.10.2015 with regard to his suspension dated 01.10.2015 shall be disposed of by the District Elementary Education Officer -cum- District Mission Coordinator, SSA, Lakhimpur, North Lakhimpur in accordance with law on or before 31.12.2015 with a 'speaking order' after affording an opportunity of hearing to the petitioner.

The petitioner shall submit a certified copy of this order along with a copy of the writ petition including all annexures before the District Elementary Education Officer -cum- District Mission Coordinator, SSA, Lakhimpur, North Lakhimpur on or before 07.12.2015.

With the aforesaid directions, this writ petition stands disposed of.