

GAHC010193512017



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C) 1217/2017

1:TAPAN KUMAR DAS and ANR.
S/O LT. JOGENDRA CHANDRA DAS R/O ALAKANANDA APARTMENT,
JOYANAGAR, KHANAPARA, GUWAHATI -22, ASSAM

2: MALEKUR RAHMAN
S/O LT. KHAIRUR RAHMAN R/O ASHB HOUSING COLONY
BHETAPARA CHARIALI
GUWAHATI -38
ASSAM

VERSUS

1:THE STATE OF ASSAM and 3 ORS.
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,
PERSONNEL B DEPARTMENT, DISPUR, GUWAHATI -6.

2:THE ASSAM PUBLIC SERVICE COMMISSION
REP. BY ITS CHAIRMNA
JAWAHARNAGAR
KHANAPARA
GUWAHATI -22.

3:THE SECRETARY
ASSAM PUBLIC SERVICE COMMISSION
JAWAHARNAGAR
KHANAPARA
GUWAHATI -22.

4:THE COMMISSIONER and SECRETARY
DEPARTMENT OF FINANCE
ASSAM
DISPU

Advocate for the Petitioner : MR.A CHETRY

Advocate for the Respondent :

**BEFORE
HONOURABLE MR. JUSTICE NELSON SAILO**

ORDER

Date : 14-09-2018

Heard Mr. M.P. Sarma, learned counsel for the petitioners and Mr. M.R. Adhikari, learned State Counsel appearing for the respondent No. 1.

The Claim of the petitioners is for promotion to the post of Senior Research Officer and Research Officer respectively. They are presently holding the post of Research Officer and Assistant Research Officer respectively.

The APSC has filed affidavit-in-opposition on 14th June, 2017 whereby it is pointed out that the Draft Assam Public Service Commission Research Service (Recruitment and Conditions of Service) Rules, 2008 is being followed. At the same time, it has taken the stand that there is no provision for filling up of Ex-Cadre post of Senior Research Service under Rule 5 of the said service Rules. Furthermore, the petitioners cannot be considered for promotion at this stage since the view of the Personnel (B) Department sought vide communication dated 16.09.2016 has not been received yet.

In view of above, the learned State Counsel Mr. M. R. Adhikari will obtain instruction with regard to the views sought by the APSC from the Personnel (B) Department by the next date.

List the case again on 10.10.2018 showing the name of Mr. M.R. Adhikari for the respondent No. 1 and Mr. C. Baruah, learned counsel for the respondent Nos. 2 and 3 and Mr. P. Nayak, learned counsel for the respondent No. 4. Petitioners may also file rejoinder in the meantime, if so advised.

JUDGE

Comparing Assistant