

OFFICE OF THE CHIEF JUDICIAL MAGISTRATE :::::::::: CHARAIDEO

ORDER

Dated Sonari, the 28th of June, 2024

Sri Debajit Handique provisionally joined on 14-08-2023 as Chowkidar in response to our provisional appointment order issued vide Memo No. CJM/CHA/2023/3684-95 Dtd. 14-08-2023 with specific condition that "*police verification process will be initiated after joining of the candidates. In the event of an adverse police verification report, service of the incumbent will be liable for termination*".

Subsequently he was found undesirable in the service in view of adverse police verification report and pendency of criminal proceeding against him. Therefore, his provisional service was terminated vide this office order No. CJM/CHA/2023/4098-4108 dated 12.10.2023.

Sri Debajit Handique made prayer for reconsideration of his termination vide his representation dated 09.04.2024 by enclosing certified copy of his acquittal judgment in PRC Case No. 171/2022 in the court of JMFC, Nazira, Assam. The Appointment Committee observed that Sri Debajit Handique was acquitted from the charges u/s 294/448/325/506 of IPC. Those offences cannot be considered as heinous offence. Moreover, the "standard form of application" did not contain any question; whether he has been prosecuted, or whether, any case was pending against him or not. Therefore, he also cannot be termed to have made false declaration in his application form. The Appointment Committee found it proper to revoke the termination order dated 12.10.2023 with reference to the judgment of the Hon'ble Apex Court in Commissioner of Police vs. Sandeep Kumar; 2011 4 SCC 644 and Hon'ble High Court of Calcutta in Samir Kumar Halder vs. State of West Bengal; 2020 0 Supreme (Cal) 133.

Therefore it has been found fit to **revoke the termination order and reinstate Sri Debajit Handique from the date of order of reinstatement, if he resumes duty on that date, or on subsequent date, whichever is later,**

with notional benefits including seniority and qualifying service holding that there has been no break in service since 14.08.2023. But actual payment of salary will be made from his date of reinstatement/joining after revocation of his termination order dated 12.10.2023.

Inform Sri Debajit Handique accordingly.

Sd/-
Chief Judicial Magistrate
Charaideo, Sonari

Memo No. CJM/CHA/2024/1395-1405

Dated, Sonari the 28th of June 2024

Copy for information to:-

1. The Hon'ble Registrar General, Gauhati High Court, Guwahati.
2. The Principal Accountant General (A&E), Assam, Maidamgaon, Beltola, Guwahati-29.
3. The L.R. cum Commissioner & Secretary to the Govt. of Assam, Judicial Department.
4. The Hon'ble District & Sessions Judge, Charaideo, Sonari.
5. The Registrar (Admin.)-cum-I/C Centralized Recruitment, Gauhati High Court.
6. The Joint Secretary to the Govt. of Assam, Finance (SIU) Dept., Dispur, Guwahati-6
7. The Joint Secretary to the Govt. of Assam, Finance (Budget) Dept., Dispur, Guwahati-6
8. The Director of Accounts & Treasuries, Assam, Guwahati-6.
9. The Treasury Officer, Charaideo, Sonari, Assam.
- ✓ 10. The Systems Assistant, Charaideo District Judiciary, for uploading in the official website.
11. Sri Debajit Handique, S/O- Sri Tulon Handique, Mothiaciga Achalapather Village, P.S.- Nazira, P.O.-Rajmow, Dist- Sivasagar, State- Assam.
12. Office File.


Chief Judicial Magistrate
Charaideo, Sonari
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