GAHC010183672026

undefined

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

Case No. : I.A.(Civil)/3020/2026
In WP(C)/3397/2026

THE BRAHMAPUTRA CRACKER AND POLYMER LIMITED
(A GOVERNMENT OF INDIA ENTERPRISE), REPRESENTED BY ITS GENERAL MANAGER (H.R.), CHAIRMAN AND MANAGING DIRECTOR, P.O.- LEPETKATA, P.S.- BARBARUAH, DIST- DIBRUGARH, ASSAM, PIN- 786006

VERSUS

SUBRATA KUMAR PAL
S/O LATE OM PRAKASH PAL, CHIEF MANAGER (ELECTRICAL), R/O QUARTER NO. C04/03, BCPL TOWNSHIP, P.O.- BARBARUAH, P.S.- BARBARUAH, DIST- DIBRUGARH, ASSAM, PIN- 786007

Advocate for the Petitioner : MS M HAZARIKA,
Advocate for the Respondent : MR SISHIR DUTTA,

Linked Case : **WP(C)/3397/2026**

MR SUBRATA KUMAR PAUL
SON OF LATE OM PRAKASH PAL
CHIEF MANAGER ELECTRICAL
RESIDENT OF QUARTER NO C04 OF 03 BCPL TOWNSHIP
P.O- BARBAUAH
P.S- BARBARUAH
DISTRICT-DIBRUGARH ASSAM
PIN-786007

VERSUS

THE UNION OF INDIA AND OTHRS
REPRESENTED BY THE SECRETARY TO THE GOVT OF INDIA DEPARTMENT

OF FERTILIZERS MINISTRY OF CHEMICAL AND FERTILIZERS SHASTRI BHAWAN NEW DELHI-110001

2:THE BRAHMAPUTRA CRACKER AND POLYMER LIMITED
A GOVT OF INDIA ENTERPRISE REPRESENTED BY ITS GENERAL MANAGER HR CHAIRMAN AND MANAGING DIRECTOR PO LEPERTKATA PS BARBARUAH DISTRICT DIBRUGARH ASSAM 786006

3:THE GENERAL MANAGER HR
THE BRAHMAPUTRA CRACKER AND POLYMER LIMITED A GOVT OF INDIA ENTERPRISE ADMINISTRATIVE BUILDING LEPETKATA PO LEPETKATA PS BARBARUAH DISTRICT DIBRUGARH ASSAM 786006

Advocate for : MR SISHIR DUTTA
Advocate for : DY.S.G.I. appearing for THE UNION OF INDIA AND OTHRS

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

05.10.2026

Heard Ms. M. Hazarika, learned Senior Counsel assisted by Shri D. Khan, learned counsel for the applicant, who by means of this application has prayed for vacation of the interim order dated 25.06.2026 passed in the connected WP(C)/3397/2026. The said interim order was passed *ex parte qua* the present applicant which has been arrayed as respondent no. 2.

2. I have also heard Shri Sishir Dutta, learned Senior Counsel assisted by Shri Sidhant Dutta, learned counsel for the opposite party/writ petitioner.

3. By drawing the attention of this Court to the writ petition, Ms. Hazarika, the learned Senior Counsel has submitted that the challenge has been made to communications dated 01.06.2026 and 20.06.2026 whereby the request for continuing with the quarter allotted to the opposite party/writ petitioner at Lepetkata was rejected and he was directed to vacate the same.

4. The facts, as projected in the writ petition is that the writ petitioner, who is

working as Chief Manager (Electrical) (E-5) was transferred from Lepetkata to Duliajan. However, he was occupying a quarter in the Township at Lepetkata and the said quarter was directed to be vacated for which he had approached this Court.

5. This Court vide the order dated 25.06.2026 had directed that till the next date of listing, no steps be taken to forcibly vacate the opposite party/writ petitioner from his quarter. This Court has however recorded the statement made by the learned Senior Counsel of the writ petitioner that he was in the process of searching for accommodation at Duliajan.

6. Ms. Hazarika, the learned Senior Counsel for the applicant has submitted that more than 3 months have passed and till now, the opposite party/writ petitioner has not made any endeavour to vacate the quarter. She has also drawn the attention of this Court to various provisions of the Companies Residential (Family) Accommodation Rules as per which, a maximum period of 2 (two) months is granted for an incumbent on transfer to vacate such quarter. She has also submitted that there is a pressing need for the quarter and taking advantage of the interim order, the opposite party/writ petitioner is continuing to occupy the same.

7. On the other hand, Shri Dutta, the learned Senior Counsel for the opposite party/writ petitioner has submitted that his client is sincerely looking for an accommodation at Duliajan which, till now has not been found. He has also submitted that there are no company quarters at Duliajan and the distance from Lepetkata to Duliajan being about 50 kms, he is in a position to travel to his work place from the quarter at Lepetkata. He has also rebutted that there is any pressing need for the quarter as no new incumbent has been posted in place of the petitioner at Lepetkata. He has also made an alternative submission that

there are bachelors accommodation at Lepetkata Township and the writ petitioner can also be accommodated in such bachelors quarters.

8. The rival submissions advanced in the Bar have been duly considered and the materials placed before this Court including the Rules mentioned above have been carefully perused.

9. The interim order dated 25.06.2026 was passed *ex-parte qua* the present applicant. The applicant is relying upon the provisions of the Rules, mention of which has already been made above. Rule 8.2 (iv) provides for giving an employee on transfer a maximum period of 2 months from the date of such transfer to vacate the residential accommodation. The transfer in the instant case was dated 21.04.2026 and therefore on 21.06.2026, the said period had expired. The writ petition was thereafter moved and on 25.06.2026 notice was issued and the interim order as mentioned above was passed.

10. This Court has however noticed that one of the principal premise on which the interim order was passed is that the opposite party/writ petitioner had made a statement that he was in the process of searching for accommodation at the new place of posting at Duliajan. More than 3 months have elapsed since the said order and it appears that the opposite party/writ petitioner is continuing to be in occupation of the residential quarter at Lepetkata. Such continuation, apart from being in violation of the Rules holding the field would also be against the undertaking given by the writ petitioner for which the interim order was passed.

11. This Court is of the considered opinion that there being no *lien* over a quarter by a transferred employee, further continuation of the interim order would not be in the interest of justice and accordingly the same is vacated.

12. At this stage, taking into consideration, the submission advanced on behalf of the opposite party/writ petitioner, this Court gives liberty to the opposite party/writ petitioner to submits an application to provide him accommodation in the bachelors quarters at Lepetkata or temporary accommodation in the guest house at Duliajan. If such application is made, the applicant/corporation is directed to consider the same in accordance with law. It is however made clear that the time taken for such consideration would however not give any further right to the opposite party/writ petitioner to continue in occupation of the quarter allotted to him at Lepetkata.

13. IA stands allowed in the manner indicated above.

JUDGE

Comparing Assistant