

IN THE SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION
(SPECIAL ORIGINAL JURISDICTION)

WRIT PETITION No.430 of 2023.

IN THE MATTER OF:

An application under Article 102 of the Constitution of the People's Republic of Bangladesh.

-AND-

IN THE MATTER OF :

Md. Nazrul Islam and another

..... Petitioners

-Versus-

Government of Bangladesh and others.

..... Respondents

Mr. Md. Idrish Molla, Advocate

..... For the petitioners

Mr. Munirujjaman, Advocate

..... For respondents

The 10th January, 2024.

Present:

Mr. Justice K.M. Kamrul Kader

And

Mr. Justice Khizir Hayat

K.M. Kamrul Kader, J.

In this application under Article 102 of the Constitution of the People's Republic of Bangladesh, Rule was issued on 25.01.2023 in the following terms:

“Let a Rule Nisi be issued calling upon the respondents to show cause as to why the Memo No.25.39.0000.009.27.190 G (12).07-1947 dated 04.11.2021 issued by the respondent Nos.2 and 5 suspending the petitioners from the post of Assistant Authorized Officer and Assistant Director (Admin) of Rajdhani Unnayan Kartripakkha (RAJUK) (Annexure-B2) should not be declared to have been made without

lawful authority and is of no legal effect and/or pass such other or further order or orders as to this Court may seem fit and proper.”

In the instant writ petition the petitioner challenging the Memo No.25.39.0000.009.27.190 G (12).07-1947 dated 04.11.2021 issued by the respondent Nos.2 and 5 and a direction upon the respondent No.2 to dispose of the petitioners applications dated 30.05.2022 and 26.07.2022 filed by the petitioners (Annexure- D-1 and D respectively).

At the time of issuance of the Rule, this Court directed the respondent No.2 to dispose of the applications dated 30.05.2022 and 26.07.2022 filed by the petitioners (Annexure- D-1 and D respectively) within 01(one) month from the date of receipt of this order in accordance with law. But the respondent No.2 fail to dispose of the petitioners' application within the stipulated period of 01(one) month which is itself contemptuous.

Mr. Md. Idrish Molla, the learned Advocate appearing on behalf of the petitioner submits that he has clear instruction from his clients not to proceed with the instant Rule, rather; he is seeking a direction upon the respondent No.2, Chairman, Rajdhani Unnayan Karttripakkha (RAJUK), RAJUK Bhaban, RAJUK Avenue, Dhaka to dispose of the petitioners' applications dated 30.05.2022 and 26.07.2022 filed by the petitioners (Annexure- D-1 and D respectively).

Mr. Munirujjaman, the learned Advocate appearing on behalf of the respondent No.2 opposes the Rule.

Heard the learned Advocates of both sides and perused the writ petition along with the relevant annexures appended thereto.

Considering the facts and circumstances and the discussions as made hereinbefore, we are of the view that justice would be best served if we direct the respondent No. 2, Chairman, Rajdhani Unnayan Karttripakkha (RAJUK), RAJUK Bhaban, RAJUK Avenue, Dhaka to dispose of the petitioners' applications dated 30.05.2022 and 26.07.2022 filed by the petitioners (Annexure- D-1 and D respectively).

Accordingly, the Rule is discharged with direction. The respondent No.2, is hereby directed to dispose of the petitioners' applications dated 30.05.2022 and 26.07.2022 (Annexure- D-1 and D respectively) within 02(two) months from the date of receipt of this order, without fail, in accordance with law.

Communicate the order at once.

Khizir Hayat, J:

I agree.