

GAHC010144252023



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

Case No. : WP(C)/3863/2023

ALPANA GOSWAMI
W/O- LATE MADHAB GOSWAMI, R/O- PACHANI BORA CHUK,
MACHARHUT, P.O., P.S. AND DIST. JORHAT, ASSAM, PIN- 785001.

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, HOME DEPARTMENT, DISPUR, GUWAHATI-
781006, ASSAM

2:THE DIRECTOR GENERAL OF POLICE
ULUBARI
GUWAHATI
PIN- 781007
DIST. KAMRUP(M)
ASSAM

3:THE ASSTT. INSPECTOR GENERAL OF POLICE (ADMIN)
ASSAM POLICE HEADQUARTERS
ULUBARI
GUWAHATI
PIN- 781007
DIST. KAMRUP(M)
ASSAM

4:INSPECTOR GENERAL OF POLICE
EASTERN RANGE
JORHAT
PIN- 785001
DIST. JORHAT
ASSAM

5:THE ADDL. DIRECTOR GENERAL OF POLICE

EASTERN RANGE
JORHAT
PIN- 785001
DIST. JORHAT
ASSAM

Advocate for the Petitioner : MR. P P BORTHAKUR

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : 27-09-2023

Heard Mr. P.P. Borthakur, learned counsel for the petitioner and Mr. G. Bokolial, learned counsel for all the respondents.

2. It is the case of the petitioner that the petitioner's husband viz. Madhab Goswami, who was the proprietor of a proprietorship concern, M/s City Stationers supplied goods/articles on a number of occasions to the office of the Inspector General of Police, Eastern Region, Jorhat [the respondent no. 4]. The petitioner has projected that the goods/articles were supplied to the office of the respondent no. 4 on receipt of indents from time to time and after supplying the good/articles, the husband of the petitioner raised bills and submitted them before the office of the respondent no. 4. According to petitioner, the husband of the petitioner submitted 8 nos. of bills during the period from September, 2017 to December, 2019. The total amount of said 8 [eight] nos. of bills is Rs. 2,28,362/-. The husband of the petitioner did not receive the amount of the said 8 nos. of bills during his lifetime and the petitioner's husband, Madhab Goswami expired on 24.06.2021. After the death of her husband, the petitioner pursued the matter of disbursement of the amount against those final bills with the respondent authorities. It has been averred that when despite such approaches the responding authorities did not disburse the amount of Rs. 2,28,362/-, the petitioner has to

approach this Court by the instant writ petition seeking the direction to the respondent authorities to disburse the said amount of Rs. 2,28,362/-.

3. An affidavit-in-opposition has been filed by the respondent no. 4 on 01.09.2023. In the said affidavit-in-opposition, the respondent no. 4 has admitted that Madhab Goswami [since deceased] as the proprietor of M/s City Stationers supplied goods/articles to the Office of the respondent no. 4 as per the requirements of the Office from time to time. The respondent no. 4 has also acknowledged the receipt of the bills by his office from Late Madhab Goswami. It is averred that after receipt of the bills, the office of the respondent no. 4 submitted the proposals to the Assam Police Headquarter, Assam within reasonable time for sanction of ceiling and budget against the bills. Though sanction for other bills were received, sanction has not been received from the Assam Police Headquarters in respect of the 8 nos. of bills amounting to Rs. 2,28,362/-. The respondent no. 4 has also acknowledged the approaches made by the petitioner to his office for clearance of the pending bills submitted by Madhab Goswami [since deceased]. It is averred that as the ceiling and budget against the proposals submitted against those 8 nos. of bills amounting to Rs. 2,28,362/- has not been received from the sanctioning authority, the Office of the respondent no. 4 has not been able to pay the arrear bills.

4. Mr. Bokolial, learned Junior Government Advocate, Assam appearing for the respondent authorities has submitted that considering the fact that the liability is admitted, this writ petition can be disposed of at this stage itself with a direction to the respondent authorities to examine the claim of the petitioner as regards the 8 nos. of final bills amounting to Rs. 2,28,362/- and thereafter, to process the same for disbursement accordingly.

5. Having regard to the averments made in the writ petition and the affidavit-in-opposition filed by the respondent no. 4, this Court is of the view that the amount of Rs. 2,28,362/- appears to be an admitted liability as the respondent no. 4 has already admitted about the same. In view of the above fact situation obtaining in the case, this Court is, thus, of the considered view that instead of keeping this writ petition pending, the same can be

disposed of with the following directions :

- [i] the petitioner shall submit a representation along with the copies of the death certificate of Late Madhab Goswami and Next of Kin [NoK] certificate in support of her claim that the petitioner is the legal representative of Madhab Goswami, who expired on 24.06.2021, at the office of the respondent no. 2 along with a copy of this order;
- [ii] on receipt of such a representation along with the supporting documents from the petitioner, the Office of the respondent no. 2 shall examine the claim and thereafter, inform the petitioner about the necessity of submission of any further documents/certificates/order, etc. for processing the case of the petitioner as regards the 8 nos. of Bills in accordance with law within a period of 30 [thirty] days of receipt of the representation;
- [iii] The petitioner shall accordingly furnish such additional documents/certificates/order, etc., if any, as asked for by the Office of the respondent no. 2 at the earliest possible time to enable the respondent no. 2 to process the claim in accordance with law as regards the 8 nos. of bills for the supplied goods/articles under reference and submit the requisite proposal before the Government for sanction and release; and
- [iv] the 8 nos. of bills against the supplied goods/articles shall be released to the person[s] eligible to receive the sum i.e. the legal representative[s] of Late Madhab Goswami as soon as the necessary fund is received from the Government and following the directions made by the Full Bench judgement of this Court, rendered on 29.09.2008 in **Writ Appeal No.484/2005 [Tamsheer Ali & Ors. vs. State of Assam & Ors.]**, reported in 2008 [4] GLT 1 [FB] and similar other 194 writ petitions.

6. It is accordingly ordered.

7. As the amount claimed by the petitioner is in relation to the Contract-Work executed by Madhab Goswami during his lifetime, it is expected that the respondent authorities shall process in the claim to disburse the entitled amount in an expeditious manner.

8. This order disposes of the writ petition. No cost.

JUDGE

Comparing Assistant