

GAHC010137552017



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

Case No.: WP(C)/5747/2018

SADHANI LASKAR
W/O LATE BIDYADHAR LASKAR
VILL JAMUNA JAPANGAON
PO PANDIT GHAT
PS HOWRAGHAT
DIST. KARBI ANGLONG
PIN-782481

VERSUS

THE STATE OF ASSAM AND 5 ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM
HOME DEPARTMENT
DISPUR
GUWAHATI-6

2:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
EDUCATION (ELEMENTARY) DEPARTMENT
DISPUR
GUWAHATI-6

3:THE DEPUTY COMMISSIONER
KARBI ANGLONG DISTRICT
PIN-782460

4:THE ADDITIONAL DEPUTY COMMISSIONER
KARBI ANGLONG DISTRICT
DIPHU
ASSAM
PIN-782460

5:THE BANK MANAGER
HOWRAGHAT BRANCH
STATE BANK OF INDIA
PIN-782481

6:KIRAN BALA LASKAR
W/O LATE BIDYADHAR LASKAR
VILL- JAMUNA JAPANGGAON
R/O VILL AND PO ITACHALI
DIST. NAGAON ASSAM
PIN-782003

Advocate for : MS. S B CHOUDHURY
Advocate for : SC
ELEM. EDU appearing for THE STATE OF ASSAM AND 5 ORS.

BEFORE

HON'BLE MR. JUSTICE DEVASHIS BARUAH

ORDER

09.08.2023

The instant writ petition has been filed by the petitioner challenging the communication dated 21.07.2017 issued by the Additional Deputy Commissioner, Karbi Anglong, Diphu whereby the Branch Manager, State Bank of India (SBI), Howraghat Branch was directed to stop the withdrawal of the amount from the account by the account holder until further orders and to submit detailed bank statement as on that date after depositing of the grant amount to the Office of the Additional Deputy Commissioner, Karbi Anglong for taking necessary steps from its end.

2. This Court further finds it relevant to take note of that the petitioner herein is the wife of one Bidhyadhar Laskar (since deceased). The petitioner being entitled to pension was issued a pension payment order No.ADP/PPO/GPO/2015 /019649 and on the basis of that the petitioner herein was receiving pension. It is further relevant to take note of that being the wife of Late Bidhyadhar Laskar who was a martyr of Assam agitation and in terms with the scheme of the Assam Government

whereby the next of kin is granted ex-gratia compensation to the tune of Rs.5 lakh, the petitioner applied for the same. Pursuant thereto, an amount of Rs.5 lakh was deposited to her bank account.

3. It is the further case of the petitioner that the amount of Rs.5 lakh has already been withdrawn by the petitioner. Subsequent thereto, there were certain complaints being filed by one Smti. Kiran Bala Laskar claiming that she being the second wife of Late Bidhyadhar Laskar was entitled to half of the said amount. On the basis thereof, the Additional Deputy Commissioner, Karbi Anglong issued the impugned communication dated 21.04.2017 whereby the Branch Manager, SBI, Howraghat Branch was directed to stop withdrawal of any amount from the account of the petitioner. On the basis thereof, the Branch Manager, SBI, Howraghat Branch informed the petitioner that on the basis of the communication dated 21.04.2017 issued by the Additional Deputy Commissioner, Karbi Anglong, Diphu withdrawal from the account of the petitioner has been stopped.

4. It is the case of the petitioner that as the petitioner is a pensioner and her pension is disbursed through her Bank Account, the action on the part of the respondent Additional Deputy Commissioner, Karbi Anglong, Diphu to direct the Branch Manager, SBI, Howraghat Branch to stop withdrawal has caused serious prejudice to the petitioner as she has not been able to withdraw her pension amount. It is under such circumstances, the instant writ petition has been filed.

5. It reveals from the record that this Court vide a detailed order dated 24.08.2018 issued notice and in the interim stayed the communication dated 21.04.2017 and further directed the respondent SBI not to act upon

the said communication dated 21.04.2017 and permit the petitioner to withdraw her pensionary benefit. It is submitted by the learned counsel for the petitioner that pursuant to the said order dated 24.08.2018, the petitioner had been permitted to make withdrawal from her bank account.

6. I have heard Ms. S. Sarma, the learned counsel appearing on behalf of the Additional Deputy Commissioner, Karbi Anglong, Diphu and this Court has specifically enquired as to under what authority and jurisdiction, the said Officer directed Branch Manager, SBI, Howraghat Branch to stop the withdrawal of the amount from the account of the petitioner and thereby affecting her pensionary benefit. Ms. S. Sarma, the learned counsel, with due fairness, submitted that the Additional Deputy Commissioner, Karbi Anglong, Diphu ought not have done the same, taking into account that stopping the use of the petitioner's bank account wherein she received her pension would affect the livelihood of the petitioner.

7. Taking into account the above and this Court finding that the Additional Deputy Commissioner, Karbi Anglong, Diphu did not have the authority to issue the communication dated 21.04.2017 and the said action being a complete abuse of the powers by the Authority, sets aside the communication dated 21.04.2017.

8. With the above, the instant petition stands disposed of.

JUDGE