

GAHC010039272024



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

Case No. : WP(C)/1279/2024

BHUPEN KALITA
S/O LATE ARUN KALITA, A R/O VILL- HAHDIA, P.O.-UJANKURI, P.S.-HAJO,
PIN-781102, DIST- KAMRUP, ASSAM

VERSUS

THE UNION OF INDIA AND 5 ORS
REPRESENTED BY THE SECRETARY, MINISTRY OF COMMUNICATION,
GOVT. OF INDIA, NEW DELHI-110001

2:THE STATE OF ASSAM
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM
TRANSFORMATION AND DEVELOPMENT
DISPUR
GUWAHATI-781006
ASSAM

3:THE DISTRICT COMMISSIONER
KAMRUP
PIN-781031

4:THE DIRECTOR OF SMALL SAVINGS
ASSAM
KAR BHAWAN COMPLEX
GANESHGURI
GUWAHATI
PIN-781006

5:THE SENIOR PLANNING OFFICER
T AND D
KAMRUP
AMINGAON

PIN-781031

6:SENIOR POST MASTER
GUWHATI GPO
MEGHDOOT BHAWAN
GUWAHATI-78100

Advocate for the Petitioner : MR. S D PURKAYASTHA

Advocate for the Respondent : DY.S.G.I.

**BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

ORDER

13.03.2024

Heard Mr. S.D. Purkayastha, learned counsel for the petitioner. Also heard Ms. A. Gayan, learned CGC for the respondent Nos. 1 & 6 and Mr. S.S. Roy, learned counsel for the respondent Nos.2 to 5.

2. The petitioner has prayed for setting aside the letter dated 09.01.2024 issued by the Senior Postmaster, Guwahati requesting the Deputy Commissioner, Kamrup, Amingaon, Guwahati to cancel the petitioner's SAS Agent licence due to his involvement in some alleged fraudulent and suspicious transaction in the Guwahati Post Office (GPO).

3. The petitioner's counsel submits that the petitioner has been working as an SAS Agent since 1997. However, due to an unfounded allegation that has been levelled against the petitioner that he has been dealing in the accounts of dead persons, the petitioner is being sought to be removed as an SAS agent licensee. He also submits that an enquiry has been conducted through the Panbazar Police Station, vide Panbazar P.S. G.D.E. No.609/2023 dated

20.07.2023. However, the report submitted to the respondent No.6 on 01.02.2024 by the Panbazar Police Station states that there is no wrongful gain or wrongful loss due to the transactions apparently made against dead persons. Despite the above, the respondent No.6, vide the letter dated 09.01.2024, has requested the Deputy Commissioner, Kamrup, Amingaon, Guwahati to cancel and terminate the SAS Agent licence of the petitioner.

4. Ms. A. Gayan learned CGC for the respondent Nos. 1 and 6 submits that as per her instructions, the petitioner was found to have concealed information regarding the demise of the depositor Late Bina Devi and ensured the opening of the joint SB/TD accounts in the name of the deceased Bina Devi and Ms. Jahnabi Sarma Pujari, who is the daughter of Late Bina Devi.

5. Mr. S.S. Roy, learned counsel for the respondent Nos.2 to 5 submits that he has not received any instructions as on date.

6. On considering the case of the petitioner, it is seen that no enforceable right of the petitioner has been violated as on date, inasmuch as, the request made by the Senior Postmaster, Guwahati may or may not have any effect on the decision to be made by the Deputy Commissioner, Kamrup, Amingaon, Guwahati, if at all any decision is taken. The Senior Postmaster, Guwahati has got no connection with the petitioner, as the SAS Agent licence has been given to the petitioner by the Deputy Commissioner and not the Senior Postmaster, Guwahati. The placement of the petitioner in the General Post Office, Guwahati is also made by the Deputy Commissioner.

7. The petitioner, though apprehending that the impugned order issued by

the Senior Postmaster, Guwahati, would result in the Deputy Commissioner taking action upon the petitioner, he has not submitted any representation to the Deputy Commissioner in this regard. As on date, no action has been taken upon the petitioner by the Deputy Commissioner. The petitioner only apprehends that the same would be taken and has instantly approached this Court, without first submitting an application to the concerned authority with regard to his grievance. The above being said, the livelihood of the petitioner appears to be at stake and any action that would affect the petitioner's livelihood or causes prejudice to him, should be taken without violating the principles of natural justice.

8. As the writ petitioner has not taken recourse to the alternative remedy available and as on date, no enforceable right of the petitioner has been violated by any person/authority, the petitioner is given the liberty to approach the Deputy Commissioner, by way of a representation with his grievance and/or apprehension. Any decision taken thereafter, should be made by the Deputy Commissioner, only after examining the petitioner's representation, if any.

9. The writ petition is accordingly disposed of.

JUDGE

Comparing Assistant