

GAHC010074342024



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

Case No. : I.A.(Civil)/1098/2024

DIRECTOR GENERAL
DIRECTORATE GENERAL, CENTRAL RESERVE POLICE FORCE, BLOCK NO.
1, C.G.O. COMPLEX, LODHI ROAD, NEW DELHI-110003.

VERSUS

UNION OF INDIA AND 5 ORS.
THROUGH ITS HOME SECRETARY, MINISTRY OF HOME AFFAIRS,
GOVERNMENT OF INDIA, NORTH BLOCK, NEW DELHI-110001.

2:THE HOME SECRETARY

MINISTRY OF HOME AFFAIRS
GOVERNMENT OF INDIA
NORTH BLOCK
NEW DELHI-110001.

3:DIRECTOR GENERAL
DIRECTORATE GENERAL
CENTRAL RESERVE POLICE FORCE
BLOCK NO. 1
C.G.O. COMPLEX
LODHI ROAD
NEW DELHI-110003.

4:ADDL. DIRECTOR GENERAL (MED.)

(CAPFS
NSG AND AR)
WEST BLOCK-1
WING-3
LEVEL-2

R.K. PURAM
NEW DELHI-110066.

5:IG (MED)/MS
COMPOSITE HOSPITAL
CENTRAL RESERVE POLICE FORCE
GUWAHATI
ASSAM
PIN- 781023.

6:DR. SHAILENDRA KUMAR
COMDT
S/O- LATE JAGESHWAR PRASAD SHAH
CH CRPF
AMERIGOG
GUWAHATI
ASSAM
PIN- 781022

Advocate for the Petitioner : MR. A K DUTTA

Advocate for the Respondent : MR. R MAZUMDAR

**BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA**

ORDER

Date : 25-06-2024

Heard Mr. A.K. Dutta, learned counsel for the applicant.

2. By filing this IA, the applicant i.e. the Director General, Directorate General Assam Rifles, Shillong is praying for withdrawal of the affidavit-in-opposition filed in the connected writ petition on behalf of the respondent nos.1 to 6. The applicant is also seeking liberty to file an affidavit-in-opposition on behalf of the respondent no.3.

3. The opposite party, who is the writ petitioner, has filed an objection to this IA.

4. The learned counsel for the applicant has submitted that there is some inadvertent error in the affidavit-in-opposition filed on behalf of the respondent nos.1 to 6 for which the said affidavit is sought to be withdrawn with liberty to file an affidavit-in-opposition on behalf of respondent no.3.

5. As pointed out by the learned counsel for the opposite party, there appears to be incorrect statement in the affidavit filed by Lt. Col. Amit Sah who has claimed that he has presently serving is Assistant Military Secretary and posted at HQ DGAR, Shillong and in para-1 of the affidavit, it is projected that he is the respondent no.3.

6. Lt. Col. Amit Sah has stated in the affidavit filed in support of withdrawing of this IA that he is serving as Assistant Military Secretary. Therefore he cannot be respondent no.3 as the respondent no.3 is the Director General, Directorate General, Assam Rifles, Shillong.

7. It is further observed that in the affidavit-in-opposition filed in the connected WP(C) 3400/2022 by one Lt. Col. Sachin Vasdev, it is stated that he was arrayed as respondent in the connected writ petition and was serving as Col. Military Secretary at HQ DGAR, Shillong. Neither Lt. Col. Sachin Vasdev nor Col. Military Secretary is a respondent in the connected WP(C) 3400/2022.

8. Apparently, the person who had filed affidavit-in-opposition on behalf of respondent nos.1 to 6 in the connected writ petition on 29.05.2023 was the rank of Lieutenant Colonel. Therefore, the present application is filed by a person who is not of same rank and appears to be holding a post which is below the rank of Lieutenant Colonel. There is nothing on record to show that the authority which has filed the affidavit-in-opposition had empowered the deponent in this interlocutory application to withdraw the said affidavit-in-

opposition.

9. In view of the above, the objection made by the opposite party in this IA is accepted and the IA stands dismissed.

The dismissal of the IA shall not be a bar for the competent authority to make an appropriate application.

JUDGE

Comparing Assistant