

GAHC010157922024



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

Case No. : I.A.(Civil)/2386/2024

RUNUMEE DAS
W/O SRI JYOTISH CHANDRA DAS, R/O HOUSE NO. 10, SATYAPUR PATH,
BAIKUNTHADHAM ROAD, BELTOLA TINALI, P.O. BELTOLA, P.S. DISPUR,
GUWAHATI-28, DISTRICT KAMRUP METRO, ASSAM

VERSUS

THE STATE OF ASSAM AND 4 ORS
TO BE REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, PUBLIC HEALTH ENGINEERING DEPARTMENT,
DISPUR, GHY-6.

2:THE CHIEF ENGINEER
PUBLIC HEALTH ENGINEERING OFFICE
HENGRABARI
HEALTH COPLEX
HENGRABARI RD
LUCHUBAGAN
HENGRABARI GUWAHATI
ASSAM 781036.

3:THE EXECUTIVE ENGINEER
PUBLIC HEALTH ENGINEERING DEPARTMENT
NALBARI DIVISION
DISTRICT- NALBARI
ASSAM.

4:THE ACCOUNT GENERAL
ASSAM
MAIDAMGAON
BELTOLA
GHY
ASSAM.

5:JYOTISH CHANDRA DAS

S/O LATE UMA CHARAN DAS
VILL. GAYAN TOLA
P.O. HAJO
P/S- HAJO
DISTRICT- KAMRUP(R)
ASSAM

Advocate for the Petitioner : MRS A SAIKIA, MS. U SAUD

Advocate for the Respondent : SC, P H E,

**BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

09.09.2024

Heard Mrs A. Saikia, learned counsel for the applicant. Also heard Mr. A. R. Bhuyan, learned counsel appearing on behalf of OP No.5/ writ petitioner. Mr. I. Borthakur, learned Standing Counsel, PHE Department, Assam is present on behalf of OP Nos.1 to 3 and Mr. D. Bhattacharyya, learned counsel is present for the OP No.4.

This I.A. has been filed by the wife of the OP No.5/ writ petitioner seeking impleadment in the connected writ petition. The learned counsel for the applicant submits that being the legally married wife of the writ petitioner, the applicant is entitled to be included as a nominee in the Service Book/Pension Pay Order of the writ petitioner but he is refusing to do so, much to the detriment of the interest of the applicant. Hence, this I.A.

Vehemently opposing the prayer made in the I.A., Mr. Bhuyan, learned counsel for O.P. No.5/writ petitioner has argued that there is a serious dispute as regards the relationship between the writ petitioner and the present applicant. Unless

such dispute is resolved in an appropriate proceeding, no relief can be granted to the applicant. It is also the submission of Mr. Bhuyan that instead of seeking impleadment in the connected writ petition, the applicant should file an independent writ petition seeking relief.

The learned departmental counsel have maintained that they would have no comments to offer in the matter.

It appears that the fact that the petitioner was married to the applicant is not in dispute. The dispute, if any, is pertaining to the present status of their relationship vis-à-vis the applicant's claim to be included as nominee of the writ petitioner in the Pension Pay Order. Whether such claim of the applicant is maintainable in the eyes of law is a matter to be decided in an appropriate proceeding. Since the dispute is *inter-se* the writ petitioner and the applicant, hence, the same, in the opinion of this Court, can also be suitably addressed in the pending writ petition by impleading the applicant.

In view of the above, without commenting on merit of the claim of the applicant, the I.A. for impleadment stands allowed.

The applicant is hereby impleaded as respondent No.5 in the connected writ petition i.e. WP(C) No.3987/2022.

The applicant's counsel to file an amended cause title within a week from today. Registry to thereafter, list the writ petition for necessary orders.

I.A. stands disposed of.

JUDGE

Comparing Assistant