GAHC010082302024

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

**Case No. : WA/220/2024**

1: THE GAUHATI HIGH COURT AND 2 ORS. REPRESENTED BY THE REGISTRAR GENERAL, GAUHATI HIGH COURT, GUWAHATI, M.G. ROAD, PIN-781001, ASSAM.

2: THE REGISTRAR GENERAL, GAUHATI HIGH COURT
M.G. ROAD UZAN BAZAR GUWAHATI ASSAM PIN-781001.

3: FINANCE AND ACCOUNTS OFFICER, GAUHATI HIGH COURT
M.G. ROAD UZAN BAZAR GUWAHATI ASSAM PIN-781001

VERSUS

1: HASNINE ALAM AND 3 ORS SON OF LATE MEHBUB ALAM, RESIDENT OF GANDHIBASTI, OPPOSITE HOUSE NO 60, BYE LANE NO. 1, NEAR GANDHINAGAR GIRLS HIGH SCHOOL, P.O- SILPUKHURI, DISTRICT- KAMRUP (M), ASSAM, PIN-781003.

2:THE STATE OF ASSAM REP. BY THE LEGAL REMEMBRANCER AND SECRETARY TO THE GOVT. OF ASSAM JUDICIAL DEPTT. E BLOCK 2ND FLOOR ASSAM SECRETARIAT DISPUR GUWAHATI ASSAM PIN-781006.

3:THE ADDITIONAL CHIEF SECRETARY TO THE GOVT. OF ASSAM FINANCE DEPTT. A BLOCK 4TH FLOOR ASSAM SECRETARIAT DISPUR GUWAHATI ASSAM PIN-781006.

4:THE ACCOUNTANT GENERAL (A AND E) OFFICE OF THE ACCOUNTANT GENERAL MAIDAMGAON BELTOLA GUWAHATI ASSAM PIN-781029

**Linked Case : I.A.(Civil)/2068/2024**

1: THE GAUHATI HIGH COURT AND 2 ORS., REPRESENTED BY THE REGISTRAR GENERAL GAUHATI HIGH COURT GUWAHATI M.G. ROAD PIN-781001 ASSAM.

2: THE REGISTRAR GENERAL, GAUHATI HIGH COURT
M.G. ROAD UZAN BAZAR GUWAHATI ASSAM PIN-781001.

3: FINANCE AND ACCOUNTS OFFICER GAUHATI HIGH COURT
M.G. ROAD UZAN BAZAR GUWAHATI ASSAM PIN-781001.

VERSUS

1: HASNINE ALAM AND 3 ORS.
SON OF LATE MEHBUB ALAM RESIDENT OF GANDHIBASTI OPPOSITE HOUSE NO.60 BYE LAND NO.1 NEAR GANDHINAGAR GIRLS HIGH SCHOOL P.O- SILPUKHURI DISTRICT- KAMRUP (M) ASSAM PIN-781003.

2:THE STATE OF ASSAM REP. BY THE LEGAL REMEMBRANCER AND SECRETARY TO THE GOVT. OF ASSAM JUDICIAL DEPTT. E BLOCK 2ND FLOOR ASSAM SECRETARIAT DISPUR GUWAHATI ASSAM PIN-781006.

3:THE ADDITIONAL CHIEF SECRETARY TO THE GOVT. OF ASSAM FINANCE DEPTT. A BLOCK 4TH FLOOR ASSAM SECRETARIAT DISPUR GUWAHATI ASSAM PIN-781006.

4:THE ACCOUNTANT GENERAL (A AND E) OFFICE OF THE ACCOUNTANT GENERAL MAIDAMGAON BELTOLA GUWAHATI ASSAM PIN-781029.

**For the Appellant(s)** **:** Mr. H.K. Das, Standing Counsel, Gauhati High Court and Mr. N.K. Sharma, Advocate.

**For the Respondent(s)** **:** Mrs. D. Ghosh, Advocate for respondent No.1.
**:** Mr. D.K. Sarmah, Additional Senior Government Advocate, Assam for respondent Nos.2 & 3.
**:** Mr. C. Baruah, Standing Counsel, Accountant General for respondent No.4.

**– B E F O R E –**
**HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI**
**HON'BLE MR. JUSTICE KARDAK ETE**

**19.08.2024**
*(Vijay Bishnoi, CJ)*

Issue notice, returnable in 4(four) weeks.

Mrs. D. Ghosh, learned counsel has put in appearance on behalf of the respondent No.1; Mr. D.K. Sarmah, learned Additional Senior Government Advocate, Assam has put in appearance on behalf of the respondent Nos.2 & 3

and Mr. C. Baruah, learned Standing Counsel, Accountant General has put in appearance on behalf of the respondent No.4.

Since all the respondents are duly represented, no formal steps need be taken.

The respondents may file their counter affidavits to the writ appeal, if they desired so, within a period of 4(four) weeks.

Issue notice of the interlocutory application also.

In the meantime, the effect and operation of the impugned judgment & order dated 29.11.2023 passed by the learned Single Judge in WP(C) No.2987/2020 shall remain stayed till further orders.

However, the respondents are free to move application for vacation of this *interim* stay order along with the affidavit-in-opposition filed in this writ appeal.

List after 4(four) weeks.

**JUDGE** **CHIEF JUSTICE**

**Comparing Assistant**