GAHC010212392026

2026:GAU-AS:15440

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

Case No. : I.A.(Civil)/3487/2026

ON THE DEATH OF AWADH BIHARI MISHRA, HIS LEGAL HEIRS NAMELY PUSHPA MISHRA AND 4 ORS.
W/O- LATE AWADH BIHARI MISHRA, R/O- VILLAGE GAIGHAT, .- BAGHOUCH, P.S.- HALDI, DIST.- BALLIA, UTTAR PRADESH, PIN-277402

2: SUNIL KUMAR MISHRA
S/O- LATE AWADH BIHARI MISHRA R/O- VILLAGE GAIGHAT
P.- BAGHOUCH
P.S.- HALDI
DIST.- BALLIA
UTTAR PRADESH
PIN-277402

3: SUJIT KUMAR MISHRA
S/O- LATE AWADH BIHARI MISHRA R/O- VILLAGE GAIGHAT
.- BAGHOUCH
P.S.- HALDI
DIST.- BALLIA
UTTAR PRADESH
PIN-277402

4: SUNITA MISHRA

D/O- LATE AWADH BIHARI MISHRA R/O- VILLAGE GAIGHAT
P.O.- BAGHOUCH
P.S.- HALDI
DIST.- BALLIA
UTTAR PRADESH
PIN-277402

5: SUSHIL KUMAR MISHRA
S/O- LATE AWADH BIHARI MISHRA R/O- VILLAGE GAIGHAT
.O.- BAGHOUCH
P.S.- HALDI

DIST.- BALLIA
UTTAR PRADESH
PIN-27740

VERSUS

THE UNION OF INDIA AND ORS.
REPRESENTED BY THE SECRETARY TO THE GOVT. OF INDIA, MINISTRY OF HOME AFFAIRS, NEW DELHI

2:THE INSPECTOR GENERAL
CRPF
SOUTHERN SECTOR
ROAD NO. 10-C
JUBILEE HILLS
NEAR NEW MLA/MPS COLONY
GAYANTHRI HYDERABAD
ANDHRA PRADESH. HILLS

3:THE DEPUTY INSPECTOR GENERAL
CRPF
AVADI
CHENNAI RANGE
CHENNAI
TAMILNADU.

4:THE COMMANDANT
142 BN. CRPF
JONAKI ASSAM. NAGAR
GOLAGHAT

5:THE ENQUIRY OFFICER-CUM DEPUTY COMMANDANT
142 BN. CRPF
JONAKI NAGAR
GOLAGHAT
ASSAM

Advocate for the Petitioner : MR B P BORAH, MR H MAZUMDER

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

Linked Case : WP(C)/2578/2014

AWADH BIHARI MISHRA
S/O SRI DHARAM DEO MISHRA
FORCE NO.903066414 HC/DVR
142 BN. CRPF
JONAKI NAGAR
GOLAGHAT
ASSAM
PERMANENT R/O GAIGHAT
P.O. BAGHOUCH
P.S. HALDI
DIST- BALLIA
U.P.
PIN-277402

VERSUS

THE UNION OF INDIA and 4 ORS
REPRESENTED BY THE SECRETARY TO THE GOVT. OF INDIA
MINISTRY OF HOME AFFAIRS
NEW DELHI

2:THE INSPECTOR GENERAL
CRPF
SOUTHERN SECTOR
ROAD NO.10-C
JUBILEE HILLS
NEAR NEW MLA/MPS COLONY
GAYANTHRI HILLS
HYDERABAD
ANDHRA PRADESH

3:THE DY. INSPECTOR GENERAL
CRPF

AVADI
CHENNAI RANGE
CHENNAI
TAMILNADU

4:THE COMMANDANT
142 BN. CRPF
JONAKI NAGAR
GOLAGHAT
ASSAM

5:THE ENQUIRY OFFICER CUM DY. COMMANDANT

142 BN. CRPF
JONAKI NAGAR
GOLAGHAT
ASSAM

Advocate for : MR.A RAHMAN
Advocate for : ASSTT.S.G.I. appearing for THE UNION OF INDIA and 4 ORS

BEFORE
HONOURABLE MR. JUSTICE KARDAK ETE

ORDER

Date : 13.10.2026

Heard Mr. B.P. Borah, learned counsel for the applicants. Also heard Mr. R. K. Debchoudhury, learned DY.S.G.I for the respondents.

2. This is an application seeking substitution of the legal heirs of the deceased petitioner in the connected WP(C)/2578/2014.

3. The aforesaid writ petition was filed by the petitioner challenging the order of dismissal from service passed by the respondents. During the pendency of the writ petition, the petitioner has expired. However, the cause of action still survives in favour of the legal heirs of the deceased petitioner. Accordingly, it is prayed that the applicants, being the legal heirs of the deceased petitioner, be allowed to be substituted in his place.

4. Having considered that the applicants are the legal heirs of the deceased petitioner in the aforesaid connected WP(C)/2578/2014, wherein the order dated 27.12.2012 imposing the penalty of dismissal from service has been challenged, and the cause of action and right to sue appears to be survived, I deem it fit to allow this application.

5. Accordingly, the legal heirs of the deceased petitioner, namely, (1) Smt. Pushpa Mishra, wife; (2) Shri Sunil Kumar Mishra, son; (3) Shri Sujit Kumar Mishra, son; (4) Smt. Sunita Mishra, daughter; and (5) Shri Sushil Kumar Mishra, son, are allowed to be substituted in place of the deceased petitioner.

6. This Interlocutory Application stands allowed and disposed of.

JUDGE

Comparing Assistant