

GAHC010015942017



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

Case No. : WP(C)/1562/2017

ANJANA PHUKAN and ANR.
W/O. SRI GIRISH GOSWAMI, R/O. POSTAL QUARTERS, TEZPUR, POST
OFFICE AND P.S. TEZPUR, DIST. SONITPUR, ASSAM.

2: SRI GIRISH GOSWAMI

S/O. LT. SRI SARATH CH. GOSWAMI
R/O. POSTAL QUARTERS
TEZPUR
P.O. AND P.S. TEZPUR
DIST. SONITPUR
ASSAM

VERSUS

THE UNION OF INDIA and 4 ORS
REP. BY THE SECRETARY, DEPTT. OF POSTS, MINISTRY OF
COMMUNICATIONS AND INFORMATION TECHNOLOGY, DAK BHAWAN,
NEW DELHI-110001.

2:THE CHIEF POST MASTER GENERAL

ASSAM CIRCLE
MEGHDOOT BHAWAN
PAN BAZAR
GHY.-781001.

3:THE INSPECTOR OF POST OFFICES

PATHSHALA SUB-DIVISION
PATHSHALA
BARPETA
ASSAM.

4:THE DY. COMMISSIONER

NALBARI
ASSAM.

5:THE CIRCLE OFFICER

TIHU REVENUE CIRCLE
NALBARI
ASSAM

Advocate for the Petitioner : MR.P N GOSWAMI, MR.P MAHANTA,MR.R KAMAN,MS.J SAIKIA,MS.Z ANJUM,MR.M K DAS

Advocate for the Respondent : MR. D NATH (STATE COUNSEL), ASSTT.S.G.I.,C.G.C.,MR.H GUPTA(R- 1,2&3)

BEFORE
HONOURABLE MR. JUSTICE RAJESH MAZUMDAR

ORDER

13.02.2026

- 1.** Heard Mr. P. Mahanta, learned counsel for the petitioners. Also heard Mr. H. Gupta, learned counsel for the respondent nos. 1, 2 & 3 and Mr. D. Bora, learned counsel for the respondent nos. 4 & 5.
- 2.** The order assailed in the present writ petition is the communication dated 25.01.2017 issued by the Office of the Inspector of Post Offices to the Circle Officer, Tihu Revenue Circle. By the said communication, the Circle Revenue Officer was informed that the petitioner had allegedly misappropriated Government money amounting to Rs. 16 lakhs, out of which a sum of Rs. 2 lakhs was yet to be recovered, in terms of the loss sustained by the Department as intimated by the SDO, Nalbari, Barpeta Division. Accordingly, a request was made to the Circle Officer, Tihu Revenue Circle, to furnish the particulars of the landed property standing in the name of the petitioner and her family members.
- 3.** Mr. Mahanta, learned counsel for the petitioners, has submitted that the

amount alleged in the impugned communication was based on an enquiry conducted by the respondent department against one the petitioner. Pursuant to the said departmental enquiry one of the petitioner was imposed the penalty of dismissal from service. The order of dismissal was issued on 12.01.2015.

4. Mr. Mahanta, learned counsel for the petitioners, has submitted that while the communication directing the Tihu Revenue Circle to furnish details of the petitioner's and landed properties of her family has been assailed in the present writ petition, the order imposing the penalty of dismissal from service was challenged before the Central Administrative Tribunal, Guwahati Bench. He submits that Original Application No. 317 of 2015 was disposed of by the Tribunal on 13.11.2017, whereby the order dated 12.01.2015 was set aside and the respondents were directed to conduct a de novo enquiry into the allegations against the petitioners. Pursuant thereto, the enquiry was conducted and has culminated in the passing of a fresh order dated 15.01.2026, whereby a fresh penalty has been imposed upon one of the petitioner.

5. Mr. Mahanta, learned counsel for the petitioners, has submitted that in view of subsequent developments, the communication dated 25.01.2017 may no longer survive to require a consideration. He submits that the findings which formed the basis for quantification of the alleged recovery have already been interfered with by the learned Central Administrative Tribunal.

6. In that view of the matter, and considering that the letter dated 25.01.2017 merely sought details of the landed property standing in the name of the petitioner and her family members, this Court is of the opinion that no interference is called for at this stage. However, since the impugned order of termination and the calculation forming the basis of the alleged recovery have been set aside by the Tribunal, any further proceeding pursuant to the

communication dated 25.01.2017 shall have to be subject to the outcome of the fresh enquiry and the consequential orders passed therein.

7. Mr. H. Gupta, learned counsel for respondent Nos. 1, 2 and 3, has submitted that any recovery, if at all, pursuant to the fresh order dated 15.01.2026 shall be undertaken afresh by the respondents, in accordance with law, if any recovery is sought to be made against the petitioner.

8. In view of the above, this Court is of the considered opinion that the respondents need not proceed with attempt at recovery pursuant to the letter dated 25.01.2017, if any. Accordingly, it is directed that the Circle Revenue Officer, Tihu Revenue Circle, shall not proceed any further with the request made under the communication dated 25.01.2017.

9. It has been submitted before this Court that a fresh penalty has been imposed upon the petitioners. The petitioners shall, as a matter of course, be at liberty to challenge the fresh orders passed against them, if so advised, in accordance with law. The disposal of the present writ petition shall not affect the petitioners' rights in any manner whatsoever.

10. This writ petition is disposed of.

JUDGE

Comparing Assistant