

GAHC010021702016



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

Case No. : WP(C)/4555/2016

BHABENDRA SHARMA @ BHABENDRA SARMAH
S/O LT. BHUPENDRA NATH SARMAH, R/O BHARDWAJ MANSION, VIP K.N.
EXPRESSWAY, HOUSE NO. 1327, NEAR HARMONI APARTMENT, GUWAHATI
-36, DIST. KAMRUP M, ASSAM, ASSAM, PHONE NO. 98547-52573, RETIRED
ASSTT. ENGINEER, PWRD, GUWAHATI CITY DIVISION NO. II, GUWAHATI
-21, KAMRUP M, ASSAM, PIN - 9854752573.

VERSUS

THE STATE OF ASSAM AND 8 ORS
REP. BY THE SECRETARY TO THE GOVT. OF ASSAM, PWRD, DISPUR,
GUWAHATI-6.

2:THE DEPUTY SECRETARY

TO THE GOVT. OF ASSAM
PWRD
ESTT-B BRANCH
DISPUR
GUWAHATI -6.

3:THE DEPUTY SECRETARY TO THE
GOVT. OF ASSAM
PWRD
BUDGET BRANCH
DISPUR
GUWAHATI-6.

4:THE CHIEF ENGINEER PWRD

GOVT. OF ASSM
GUWAHATI -3.

5:THE SUPERINTENDING ENGINEER

PWRD
ARIASP CIRCLE
GUWAHATI -21.

6:THE EXECUTIVE ENGINEER

PWRD
GUWAHATI CITY DIVISION
NO. II
GUWAHATI -21.

7:THE COMMISSIONER AND SPECIAL SECRETARY
TO THE GOVT OF ASSAM

PWRD
DISPUR
GUWAHATI-6.

8:THE COMMISSIONER AND SPECIAL SECRETARY TO THE
GOVT. OF ASSAM

FINANCE ESTT-A DEPARTMENT
DISPUR
GUWAHATI -6.

9:THE PRINCIPAL ACCOUNTANT GENERL A and E
ASSAM

BELTOLA
GUWAHATI -29

Advocate for the Petitioner : MRS.H KALITA, MR.R K MALAKAR,MSK R SANKAR

Advocate for the Respondent : SC, PWD, SC, FINANCE,SC, AG

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 06-01-2026

Heard Mr. R.K. Malakar, learned counsel for the petitioner. Also heard Mr. R. Dhar, learned standing counsel, PWD, Mr. P. Nayak, learned Addl. AG, Assam appearing for the Finance Department and Mr. B. Sarma, learned standing counsel, AG(A&E), Assam.

Mr. Malakar, learned counsel for the petitioner submits that during the pendency of the present proceeding the petitioner has passed away. He submits that he had contacted the legal heirs of the petitioner and had required them to file an application for substituting themselves in place of the original petitioner. However, the legal heirs of the petitioner by contending that they have already received all the requisite pensionary benefits and are no longer interested to pursue the matter. Accordingly, he submits that he is not in a position to file application for substitution of the original petitioner by his legal heirs.

In view of the fact that the petitioner is no longer alive, the present writ petition stands abated.

Accordingly, the same stands closed.

Interim order passed earlier stands vacated.

JUDGE

Comparing Assistant