

GAHC010025812023



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

Case No. : WP(C)/759/2023

DEVIKA DAS
W/O- DINESH CHANDRA DAS,
HOUSE NO. 8, BAHINI BY-LANE,
AG OFFICE ROAD, KRISHNAPUR,
BELTOLA, GUWAHATI.
PIN- 781029 (ASSAM).

VERSUS

THE STATE OF ASSAM AND 8 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM,
SOCIAL WELFARE DEPARTMENT,
DISPUR, GUWAHATI-06.

2:THE DEPUTY SECRETARY TO THE GOVT. OF ASSAM
SOCIAL WELFARE DEPARTMENT
DISPUR
GUWAHATI-06

3:THE JOINT SECRETARY TO THE GOVT. OF ASSAM
SOCIAL WELFARE DEPARTMENT
DISPUR
GUWAHATI-06.

4:THE DIRECTOR
SOCIAL WELFARE
ASSAM
UZANBAZAR
GUWAHATI-01.

5:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF

ASSAM
SOCIAL JUSTICE AND EMPOWERMENT DEPTT.
DISPUR
GUWAHATI- 781006.
(EARLIER KNOWN AS SOCIAL WELFARE DEPARTMENT).

6:THE DIRECTOR OF SOCIAL JUSTICE AND EMPOWERMENT
DEPARTMENT
LAKHI MANDIR
SAURABH NAGAR

BELTOLA TINIALI
GUWAHATI

ASSAM
PIN- 781028. (EARLIER KNOWN AS SOCIAL WELFARE DEPARTMENT).

7:THE ACCOUNTANT GENERAL (A AND E)
ASSAM
MAIDAMGAON
BELTOLA

GUWAHATI- 29.

8:THE SECRETARY
PENSION AND PUBLIC GRIEVANCES DEPARTMENT
GOVERNMENT OF ASSAM
DISPUR
GUWAHATI-06.

9:THE COMMISSIONER AND SECRETARY
FINANCE DEPARTMENT
GOVERNMENT OF ASSAM
DISPUR
GUWAHATI-06.

10:THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM

DEPARTMENT OF WOMEN AND CHILD DEVELOPMENT
1ST FLOOR
D-BLOCK
JANATA BHAWAN
DISPUR
GUWAHATI-781006.

11:THE DIRECTOR
DEPARTMENT OF WOMEN AND CHILD DEVELOPMENT

UZANBAZAR
GUWAHATI-01
ASSAM

Advocate for the Petitioner : MS. B BHUYAN, MR J DAS,MR A TALUKDAR,MS B BORA

Advocate for the Respondent : GA, ASSAM, MR R M DAS,SC, SOCIAL JUSTICE AND
EMPOWERMENT,SC, SOCIAL WELFARE,SC, AG,SC, FINANCE

Linked Case : WP(C)/761/2023

BINA PHUKAN
W/O- SRI MILON CHANDRA BORUAH

HOUSE NO. 10
BANANI PATH

JANAKPUR CHARIALI
KAHILIPARA ROAD

GUWAHATI. PIN- 781019 (ASSAM).

VERSUS

THE STATE OF ASSAM AND 8 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM
SOCIAL WELFARE DEPARTMENT
DISPUR
GUWAHATI-06.

2:THE DEPUTY SECRETARY TO THE GOVT. OF ASSAM
SOCIAL WELFARE DEPARTMENT
DISPUR
GUWAHATI- 06.

3:THE JOINT SECRETARY TO THE GOVT. OF ASSAM
SOCIAL WELFARE DEPARTMENT
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SOCIAL WELFARE
ASSAM
UZANBAZAR
GUWAHATI-01.

5:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
ASSAM
SOCIAL JUSTICE AND EMPOWERMENT DEPTT.
DISPUR
GUWAHATI- 781006. (EARLIER KNOWN AS SOCIAL WELFARE
DEPARTMENT).

6:THE DIRECTOR OF SOCIAL JUSTICE AND EMPOWERMENT DEPARTMENT
LAKHI MANDIR
SAURABH NAGAR
BELTOLA TINIALI
GUWAHATI
ASSAM
PIN- 781028. (EARLIER KNOWN AS SOCIAL WELFARE DEPARTMENT).

7:THE ACCOUNTANT GENERAL (A AND E)
ASSAM
MAIDAMGAON
BELTOLA
GUWAHATI- 29.

8:THE SECRETARY
PENSION AND PUBLIC GRIEVANCES DEPARTMENT
GOVERNMENT OF ASSAM
DISPUR
GUWAHATI-06.

9:THE COMMISSIONER AND SECRETARY
FINANCE DEPARTMENT
GOVERNMENT OF ASSAM
DISPUR
GUWAHATI-06.

10:THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF ASSAM
DEPARTMENT OF WOMAN AND CHILD DEVELOPMENT
1ST FLOOR
D-BLOCK
JANATA BHAWAN
DISPUR
GUWAHATI-781006

11:THE DIRECTOR

DEPARTMENT OF WOMAN AND CHILD DEVELOPMENT

UZANBAZAR
GUWAHATI-01
ASSAM

Advocate for : MS. B BHUYAN

Advocate for : GA

ASSAM appearing for THE STATE OF ASSAM AND 8 ORS

**BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

29.01.2025

Heard Ms. B. Bhuyan, learned senior counsel assisted by Ms. B. Bora, learned counsel appearing for the writ petitioner in both these writ petitions. Also heard Mr. C. K. S. Baruah, learned Addl. Sr. Gov. Advocate, Assam appearing for the State and Mr. C. Baruah, learned Standing Counsel, office of the Accountant General (A & E), Assam appearing in WP(C) No.759/2023 and Mr. R. K. Talukdar, learned Standing Counsel, office of the Accountant General (A & E), Assam appearing in WP(C) No.761/2023. The learned Standing Counsel, Finance Department, Assam has not appeared although the name of the counsel is shown in the Cause List.

The learned Government Advocate, Assam submits that he has received instructions and therefore, be permitted three weeks time to place the same on record in the form of an affidavit.

Considering the nature of controversy involved in these writ petitions and the financial implications the same is likely to have on the State exchequer, I am inclined to grant four weeks further time to the State to file counter-affidavit. The

Finance Department may also file separate counter affidavit, if so advised.

These matters be listed again after four weeks by tagging the affidavit(s), if any, filed by the respondents.

JUDGE

Comparing Assistant