

GAHC010128602022



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

Case No. : WP(C)/4496/2022

PUSPA SARMAH @ PUSPHA SHARMA
W/O. LT. GAURANGO SHARMA @ GAURAGA SARMAH, R/O. MOJADAR
ALI, KUMAR GAON DERGAON, P.O./P.S. DERGAON, DIST. GOLAGHAT,
ASSAM, PIN-785614.

VERSUS

THE STATE OF ASSAM AND 5 ORS
REP. BY THE CHIEF SECRETARY TO THE GOVT. OF ASSAM, DISPUR,
GUWAHATI-781006.

2:THE SECRETARY

GOVT. OF ASSAM
HOME DEPTT.
DISPUR
GUWAHATI-781006.

3:THE DIRECTOR GENERAL OF POLICE

ULUBARI GUWAHATI-781007
DIST. KAMRUP (M)
ASSAM.

4:THE ADDL. DIRECTOR GENERAL OF POLICE (COMMN)

A.P.R.O.
ULUBARI
GUWAHATI-781007
DIST. KAMRUP (M)
ASSAM.

5:THE DEPUTY COMMISSIONER
DIMA HASAO
HAFLONG
ASSAM
PIN-788819.

6:THE COMMANDANT

5TH A.P. BATTALION
SONTILLA
DIST. DIMA HASAO
ASSAM
PIN-788819

Advocate for the Petitioner : MR. N K MURRY

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

28.09.2022

Heard Mr. N.K. Murry, learned counsel for the petitioner and Mr. T.C. Chutia, learned Additional Senior Government Advocate, Assam for all the respondents.

Mr. Murry, learned counsel for the petitioner has submitted that though the petitioner submitted her application for compassionate appointment on 05.09.2013, the receipt of the same was not acknowledged by the Commandant, 5th APB, Sontilla, Dima Hasao i.e. the respondent no. 6. The petitioner, in paragraph 23 of the writ petition, has averred that the petitioner submitted an application through proper channel along with the relevant necessary documents on 05.09.2013 to the respondent no. 6 since she was the only eligible members to apply for appointment on compassionate ground.

The respondent no. 6 in his affidavit-in-opposition, filed on 24.08.2022, has traversed the said contention of the petitioner, in paragraph 15 thereof, stating that the only application from the petitioner was received on 28.08.2014. It has further been averred that the application allegedly shown to be submitted by the petitioner on 05.09.2013 was not received

at the office of the respondent no. 6.

At the request of the learned counsel for the parties, list the case on 21.10.2022.

JUDGE

Comparing Assistant