

GAHC010175392015



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

Case No. : WP(C)/1307/2015

MASTER PRAGYAN BAISHYA
R/O BY HIS FATHER SRI KHARGESWAR BAISHYA, PRESENTLY R/O QRT.
NO.2, O/O THE ADDLL. CHIEF ENGINEER, PHE COLONY, DIPHU, P.O., P.S.
DIPHU, DIST- KARBI ANGLONG, PIN-782460, ASSAM, PERMANENT R/O S/O
KHARGESWAR BAISHYA, R/O BANGAON, P.O. BANAGRAM, P.S. BELSOR,
DIST- NALBARI, ASSAM, PIN-781303

VERSUS

THE STATE OF ASSAM AND 7 ORS
REP. BY THE COMMISSIONER AND SECY. TO THE GOVT. OF ASSAM,
DEPTT. OF PHE, DISPUR, GHY-6, ASSAM

2:THE CHIEF ENGINEER
DEPTT. OF PHE
HENDERABARI
GHY-36

3:THE ADDL. CHIEF ENGINEER
DEPTT. OF PHE
KARBI ANGLONG AUTONOMOUS COUNCIL
DIPHU
PIN-782460
ASSAM

4:THE EXECUTIVE ENGINEER
PHE
DIPHU RURAL W/S DIVISION
DIPHU
PIN-782460
ASSAM

5:THE PRINCIPAL SECY.
KARBI ANGLONG AUTONOMOUS COUNCIL
DIPHU-782460
ASSAM

6:THE ASSAM POWER DISTRIBUTION CO. LTD.
REP. BY ITS CHAIRMAN CUM MANAGING DIRECTOR
HAVING ITS REGISTERED OFFICE AT BIJULEE BHABAN
PALTAN BAZAR
GHY-1
ASSAM

7:THE ASSTT. EXECUTIVE ENGINEER
DIPHU ELECTRICAL SUB DIVISION NO.1
DIPHU
KARBI ANGLONG
PIN-782460

8:MS. ANIMA TEROPI
THE CONTRACTOR WHO WAS CONSTRUCTING THE BUILD
R/O CHANDRA NAGAR
P.O.
P.S. DIPHU
W/NO.7
KARBI ANGLONG
ASSAM
PIN-782460

9:THE CHIEF ELECTRICAL INSPECTOR
GOVT. OF ASSAM
1ST FLOOR
HOUSEFED COMPLEX
BELTOLA-BASISTHA ROAD
WEST END BLOCK
HOUSEFED
DISPUR
GUWAHATI
ASSAM-781006.

10:ASSAM STATE LEGAL SERVICES AUTHORITY
GUWAHATI-

Advocate for the Petitioner : MR.T MADHUKALLYA, MR.P MAHANTA,MR. A
CHAMUAH,MR.P P BORTHAKUR,MR.U SAIKIA,MS.R BORAH

Advocate for the Respondent : SC, APDCL, MR.J I BORBHUIYA,MR.S GOGOI(R-8),SC, K A A
C,SC, P H E,MR.B D DAS,MS. D D BARMAN (ADDL. SR. GA, R-9)

**BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

Date : 28-08-2024

Heard Mr. P. Mahanta, learned counsel for the writ petitioner. Also heard Mr. D. Nath, learned Sr. Govt. Advocate, Assam appearing for the State, Mr. J. Chutia, learned standing counsel, KAAC, Mr. R.R. Gogoi, learned standing counsel, PHE Department and Mr. K.P. Pathak, learned standing counsel, APDCL appearing for the respondents.

Mr. Gogoi submits that pursuant to the earlier orders passed by this Court, the respondents (PHE) have identified an advanced set of prosthetic limb which, could not only be fitted on the petitioner so as to replace his amputated limbs but the same also reportedly has a high degree of efficiency and therefore, can give enough support to the petitioner to live a life which is very near to a normal life, if not completely normal.

Mr. Gogoi, learned standing counsel, PHE Department has also produced a copy of the communication dated 21-08-2024 addressed to the Chief Engineer (PHE) Water pertaining to submission of proforma bill. A perusal of the letter dated 21-08-2024 goes to show that the proforma bill for procurement and fixing the prosthetic limbs comes to Rs. 46,36,800/-. Referring to the figure, Mr. Gogoi submits that although the State is ready and willing to make arrangement so as to give all comfort and support to the petitioner, yet, since besides the PHE Department, the KAAC authorities as well as the APDCL authorities also have some responsibility in the matter, as such, an order be passed by this Court directing all the three organisations to proportionately share the cost of the

prosthetic limbs. The learned departmental counsel to seek instruction on the above point and address this Court on the next date fixed.

In the meantime, PHE Department to take all necessary steps for making the prosthetic limbs available to the petitioner as expeditiously as possible. The Gauhati Medical College & Hospital authority to render necessary assistance in this regard. Sharing of cost, if any, by and between the concerned departments shall be considered on later date, based on the response received from the respective departments.

Copy of the communication dated 21-08-2024 be retained in the record of this case.

List again on 26-09-2024.

JUDGE

GS

Comparing Assistant