

GAHC010085982023



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

Case No. : WP(C)/2220/2023

RISHI GUPTA
S/O- LATE RAGHUBIR SINGH GUPTA,
RESIDENT OF A.C. DUTTA LANE,
KUMARPARA, GUWAHATI- 781001,
IN THE DISTRICT OF KAMRUP(M), ASSAM.

VERSUS

THE STATE OF ASSAM AND 12 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT OF
ASSAM,
BLOCK-C, 3RD FLOOR, ASSAM SACHIVALAYA,
DISPUR, GUWAHATI-06.

2:THE ADDITIONAL CHIEF SECRETARY
GOVERNMENT OF ASSAM
HOME AND POLITICAL DEPARTMENT
ASSAM SACHIVALAYA
DISPUR
GUWAHATI-06.

3:THE PRINCIPAL SECRETARY
GOVERNMENT OF ASSAM
HOME AND POLITICAL DEPARTMENT
ASSAM SACHIVALAYA
DISPUR
GUWAHATI-06.

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

5:THE COMMISSIONER AND SECRETARY
GOVERNMENT OF ASSAM
PUBLIC WORKS DEPARTMENT (BUILDING AND NH)
DEPARTMENT
GROUND FLOOR
BLOCK-B
ASSAM SACHIVALAYA
DISPUR
GUWAHATI-6.

6:THE ADDITIONAL DIRECTOR GENERAL OF POLICE
BORDER
ASSAM
ASSAM POLICE BORDER ORGANISATION
SRIMANTAPUR
BHANGAGARH
GUWAHATI- 781032.

7:THE SUPERINTENDENT OF POLICE
BORDER-II
ASSAM
OFFICE OF THE SPECIAL DIRECTOR GENERAL OF POLICE (BORDER)
SRIMANTAPUR
BHANGAGARH
GUWAHATI- 781032.

8:THE CEO
E-FT MISSION
OFFICE OF THE ADGP (BORDER)
ASSAM POLICE BORDER ORGANISATION HEADQUARTER
SRIMANTAPUR
BHANGAGARH
GUWAHATI- 32.

9:THE INSPECTOR (E-FT)
OFFICE OF THE ADGP(BORDER)
ASSAM POLICE BORDER ORGANISATION HEADQUARTER

SRIMANTAPUR
BHANGAGARH

GUWAHATI-32.

10:THE CHIEF ENGINEER
PUBLIC WORKS DEPARTMENT
(BUILDING)
ASSAM

CHANDMARI
GUWAHATI-3.

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

12:THE MANAGING DIRECTOR
ASSAM POLICE HOUSING CORPORATION LTD.
REHABARI
GUWAHATI-8.

13:THE SUPERINTENDING ENGINEER (ELECTION)
ASSAM POLICE HOUSING CORPORATION LTD.
REHABARI GUWAHATI-8

Advocate for the Petitioner : MR. A GOYAL, MR. P DAS,MR. A CHOUDHURY

Advocate for the Respondent : GA, ASSAM, MR. S K MEDHI (r-11),SC, AG,SC, FINANCE,SC,
PWD

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

Date : 01.10.2024

Heard Dr. A. Saraf, learned Sr. Counsel for the petitioner assisted by Mr. A. Goyal. Also heard Mr. K. Gogoi, learned counsel for the respondent Nos. 1, 2, 3 & 4. Mr. P. Nayak, learned counsel appears for the PWD, while Mr. S.K. Medhi, learned counsel appears for the respondent No.11.

2. As per the order dated 16.08.2024, this Court had directed the respondent authorities to clear the bills of the petitioner latest by 30.09.2024, as the claim of the petitioner was an admitted amount.

3. Today, Mr. K. Gogoi, learned counsel submits a letter dated 30.09.2024

issued by the Joint Secretary to the Government of Assam, Home and Political Department, which is to the effect that sufficient budget provision not being available, the file is under process for making partial payment within the fund available in the budget. Further, a file has also been processed for obtaining advance from the contingency fund towards making payment of the outstanding balance amount.

4. Dr. A. Saraf, learned Sr. Counsel for the petitioner submits that there can be no justification for not paying the admitted dues of the petitioner when the Government has been giving freebies amounting to crores and crores of rupees.

5. On considering the fact that newspaper reports have shown that the Government has been giving loans to over 25,238 aspirants amounting to Rs.2 lakhs, out of which 1 lakh is to be given free, this Court is of the view that there can be no justification for not clearing the petitioner's dues in terms of the earlier order passed.

6. Mr. K. Gogoi, learned counsel shall on the next date obtain instructions as to the money used by the State Government with regard to loans being given to first time entrepreneurs, as has been reflected in the newspaper article dated 01.10.2024 in the Assam Tribune newspaper.

7. List the matter on **20.11.2024**, by which date the petitioner should have been paid his dues.

JUDGE

Comparing Assistant