

GAHC010110102016



2026:GAU-AS:11728

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

Case No. : WP(C)/2347/2016

BIKALANGA KALYAN KENDRA
POHUMORIA, P.O. and P.S. PANIGAON, REP. BY ITS SECY., SMT. ANIMA
GOGOI, W/O BABUL BARHOL, R/O PANIGAON, P.O. PANIGAON, DIST-
LAKHIMPUR, ASSAM

VERSUS

THE UNION OF INDIA and 5 ORS
REP. BY THE SECY., MINISTRY OF WOMEN AND CHILD DEVEL. CENTRAL
PROJECT SUPPORT UNIT, ROOM NO.310, A-WING, SHASTRI BHAWAN, NEW
DELHI-1

2:THE STATE OF ASSAM
REP. BY THE COMMISSIONER and SECY. TO THE GOVT. OF ASSAM
SOCIAL WELFARE DEPTT.
DISPUR
GHY-6

3:THE DIRECTOR OF SOCIAL WELFARE DEPTT.
GOVT. OF ASSAM
UZAN BAZAR
GHY-1
DIST- KAMRUP METRO
ASSAM

4:THE MEMBER SECY.

STATE CHILD PROTECTION SOCIETY
ASSAM
46
1ST FLOOR
SURVEY BUS STOP

BELTOLA ROAD
GHY-28

5:THE DY. COMMISSIONER
LAKHIMPUR AND CHAIRPERSON
DISTRICT CHILD PROTECTION UNIT
LAKHIMPUR
PIN-787001

6:THE DISTRICT CHILD PROTECTION OFFICER
LAKHIMPUR
NORTH LAKHIMPUR
ASSAM
PIN-78700

BEFORE

HON'BLE MR. JUSTICE DEVASHIS BARUAH

For the Petitioner(s) : Mr. N. K. Kalita, Advocate

For the Respondent(s) : Mr. U. Das, Addl. Sr. GA, Assam

- Date on which Judgment was reserved : N/A
- Date of Pronouncement of Judgment : **17.08.2026**
- Whether the pronouncement is of the Operative Part of the Judgment : Yes
- Whether the full Judgment has been Pronounced : N/A

JUDGMENT AND ORDER (ORAL)

Heard Mr. N. K. Kalita, the learned counsel appearing on behalf of the Petitioner and Ms. U. Das, the learned Additional Senior Government Advocate appearing on behalf of the Respondent Nos. 2 to 6.

2. The present writ petition has been filed by the Petitioner seeking directions upon the Respondents to release the amount of Rs.42,29,100/- which as per the Petitioner was payable from the period w.e.f 01.07.2012 to 01.12.2014 and further seeking certain directions for constitution of an enquiry to enquire into the matters regarding the existence of two Children Home in the name of Bikalanga Kalyan Kendra, Pohumoria, Lakhimpur and approval by the meeting of the Project Approval Board under the Integrated Child Protection Scheme (ICPS) for release of the grant in the name of the two Children Home.

3. When the matter was listed before this Court on 27.02.2026, this Court had taken note of that the Government of India had already sanctioned an amount of Rs.10,80,00,000/- to run the ICPS project in the State for the Financial Year 2013-14 but the State Government had released only an amount of Rs.6,24,56,000/- in installments. It is also seen that for the Financial Year 2014-15, the Central Government had sanctioned an amount of Rs.10,00,00,000/- but the State Government had only released an amount of Rs.6,83,98,000/-. The affidavit so filed by the Director of Social Welfare also avers that the State Government had not transferred certain funds which the Central Government had already sanctioned. Taking into account the above, this Court

directed the Commissioner and Secretary to the Government of Assam, Social Welfare Department to respond why the amount which had been sanctioned by the Central Government had not made way to run the ICPS projects in the State by allocating funds which had been sanctioned by the Central Government.

4. In pursuance thereto, an affidavit-in-opposition was filed by the Respondent No.2 wherein a communication dated 17.03.2026 issued by the Respondent No.4 i.e. the Member Secretary, State Child Protection Society, Assam was enclosed wherein it was informed that the State Child Protection Society, Assam had received all the funds from the State Government which were sanctioned by the Government of India for the Financial Years 2013-14 and 2014-15. Paragraph No.6 of the said affidavit is of relevance and as such the same is reproduced herein under:

“6. That, the deponent begs to state that with regards to the claim made by the present petitioner’s organization, the petitioner’s organization has already received an amount of Rs.3,92,250/- for the period of 01.07.2012 to 31.03.2013. It is further submitted that the petitioner’s organization has again received an amount of Rs.6,90,750/- for the period of 01.04.2013 to 31.03.2014. The said amount has been released on the basis of the actual original reimbursement proposal like bill, voucher, UC, SoE etc. submitted by the present petitioner. However, with regards to the claim for the period of 01.04.2014 to 31.11.2014 the petitioner’s organization has not yet submitted their reimbursement proposal along with the original bill, Voucher, SoE etc. against the expenditure made for the welfare of the

children for the period of 01.04.2014 to 31.11.2014 and UC against the previous fund released. The deponent further begs to state that because of this reason, no claim could be considered for the period of 01.04.2014 to 30.11.2014 and if the present petitioner's organization submits the reimbursement proposal along with necessary documents for the period of 01.04.2014 to 30.11.2014 the present deponent will consider to release the fund as admissible."

5. From a perusal of the above quoted paragraph, it is seen that the Petitioner's organization had already received an amount of Rs.3,92,250/- for the period from 01.07.2012 to 31.03.2013 and further an amount of Rs.6,90,750/- for the period from 01.04.2013 to 31.03.2014. However, in respect to the claim for the period from 01.04.2014 to 31.11.2014, the Petitioner's organization had not submitted their reimbursement proposal along with the original bill, voucher, SoE etc. against the expenditure made for the welfare of the children for a period from 01.04.2014 to 30.11.2014. It is also alleged that the UC against the previous funds released have also not been submitted by the Petitioner. However, the Respondent No.2 had given an assurance before the Court by way of the said affidavit at Paragraph No.6 itself that in the circumstance, the Petitioner submits the documents, the reimbursement proposal along with necessary documents for the period from 01.04.2014 to 30.11.2014, the Respondent No.2 would consider to release the funds as admissible.

6. Mr. N. K. Kalita, the learned counsel appearing on behalf of the Petitioner submitted that those payments of Rs.3,92,250/- and Rs.6,90,750/- have been paid to the Petitioner for the period from 01.07.2012 to 31.03.2013 and 01.04.2013 to 31.03.2014 but the said payments have not been made in accordance with the prevailing guidelines and as such, the Petitioner was further entitled to further amounts. The learned counsel further submitted that in respect to the period from 01.04.2014 to 31.11.2014, the Petitioner is not required to submit the original bill, vouchers, SoE, etc. against the expenditure made inasmuch as, the revised guidelines which were made effective from 01.04.2014 did not require so. The learned counsel submitted that the Utilization Certificate had already been provided for the previous funds released.

7. It is the opinion of the Court that if the Petitioner disputes the amount of its entitlement during the period i.e. from 01.07.2012 to 31.03.2013 and 01.04.2013 to 31.03.2014, this Court cannot decide the same and in that regard, the Petitioner would have to approach the competent Court of Civil Jurisdiction.

8. Insofar as the claims for the period from 01.04.2014 to 30.11.2014, it is the opinion of this Court that taking into account

that the Respondent No.2 has given an assurance that the Petitioner's claim would be considered if the necessary documents are being submitted, this Court is of the opinion that appropriate directions can be issued thereby granting the liberty to the Petitioner to submit the necessary documents and thereupon the Respondent Authorities may consider the said claim and if found entitled, release the amount.

9. Accordingly, the writ petition therefore stands disposed of with the following observations and directions:

(i) Insofar as the claim of the Petitioner for the period from 01.07.2012 to 31.03.2013 and for the period from 01.04.2013 to 31.03.2014, as the Petitioner disputes its entitlement and claims a further amount, the same can be only adjudicated before a competent Court of Civil Jurisdiction wherein evidence has to be led. Under such circumstances, this Court is not inclined to direct the Respondent Authorities to make further payments in respect to the period from 01.07.2012 to 31.03.2013 and 01.04.2013 to 31.03.2014 inasmuch as, it is as per the assessment of the Respondent Authorities that the Petitioner is entitled to only the amount of Rs.3,92,250/- and Rs.6,90,750/- for the above two periods respectively. Be that as it may, the Petitioner would be at

liberty to approach the competent Court of Civil Jurisdiction, if so advised. Taking into account that the Petitioner has been bonafidely litigating before this Court, it is the opinion of this Court that the period from 22.03.2016 till date be excluded while computing the period of limitation.

(ii) Insofar as the claim of the Petitioner for the period from 01.04.2014 to 31.11.2014, the Petitioner is granted the liberty to submit the necessary documents as per the requirement set out by the guidelines and if such documents are submitted, the Respondent No.2 is directed to consider the entitlement of the Petitioner and upon verification, if it is found that the Petitioner is entitled to any amount, the said amount be paid to the Petitioner within a period of 3 (three) months from the date of submission of the complete set of documents which are required as per the guidelines.

(iii) This Court further observes that in the circumstance, it is found upon verification that the Petitioner is not entitled to any amount or is entitled to amount less than what has been claimed by the Petitioner, the Respondent No.2 shall duly inform the Petitioner by issuing a communication as regards the entitlement. The said communication be also issued within a period of 3 (three)

months from the date of submission of the documents complete in all respects by the Petitioner. The said documents be submitted by the Petitioner along with a certified copy of the present judgment and order to the Respondent No.2.

JUDGE

Comparing Assistant