

GAHC010285572023



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

Case No. : WP(C)/7334/2023

JUGAL BARUAH
S/O LATE RADHIKA BARUAH
INSPECTOR OF DRUGS,
O/O JOINT DIRECTOR OF HEALTH SERVICES, DHEMAJI,
R/O HOUSE NO. 06, DGM OFFICE ROAD, 2ND BYE LANE, SEUJPUR,
KAHILIPARA, DAKHINGAON, GUWAHATI, KAMRUP (M), ASSAM, PIN-
781019

VERSUS

THE STATE OF ASSAM AND 6 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, DEPARTMENT OF HEALTH AND FAMILY WELFARE ASSAM
CIVIL SECRETARIAT, JANATA BHAWAN, DISPUR, GUWAHATI, ASSAM, PIN-
781006

2:THE CHIEF SECRETARY TO THE GOVT.OF ASSAM
CIVIL SECRETARIAT
BLOCK -C
DISPUR
GUWAHATI
ASSAM
PIN-781006

3:THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM

DEPARTMENT OF HEALTH AND FAMILY WELFARE ASSAM CIVIL
SECRETARIAT
JANATA BHAWAN
DISPUR
GUWAHATI
ASSAM

PIN-781006.

4:THE COMMISSIONER OF FOOD SAFETY AND DRUGS ADMINISTRATION

ASSAM
DEPARTMENT OF HEALTH AND FAMILY WELFARE
ASSAM SACHIBALAYA
DISPUR
GUWAHATI
ASSAM
PIN-781006

5:THE DIRECTOR OF HEALTH SERVICES

ASSAM

HENGRABARI
GUWAHATI
ASSAM
PIN-781036

6:THE DRUGS CONTROLLER

ASSAM

O/O THE DIRECTOR OF HEALTH SERVICES

ASSAM
HENGRABARI
GUWAHATI
ASSAM
PIN-781035

7:THE JOINT DIRECTOR OF HEALTH SERVICES

ASSAM
DHEMAJI
ASSAM
PIN-78500

Advocate for the Petitioner : MR. A K DUTTA

Advocate for the Respondent : SC, HEALTH

**BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

18.12.2023

Heard Mr. B. Purkayastha, learned counsel for the petitioner. Also heard Mr. D. P. Borah, learned Standing Counsel, Health Department, Assam appearing for the respondent Nos.1 and 3 to 7 and Ms. A. Talukdar, learned Govt. Advocate, Assam appearing for the respondent No.2.

I have perused the averments made in the writ petition.

The petitioner herein was serving as Inspector of Drugs and was posted at Dhemaji. Being aggrieved by the order of penalty dated 12.09.2023 by means of which penalty of compulsory retirement from service was imposed upon the petitioner, the instant writ petition has been filed *inter-alia* contending that the departmental proceedings initiated against the petitioner was conducted in utter violation of the procedural norms as well as the principles of natural justice and administrative fair play, thus having a vitiating affect on the order of penalty itself.

Mr. D. P. Borah, learned departmental counsel has pointed out that the petitioner has also preferred a statutory appeal against the impugned order dated 12.09.2023 and the same is pending disposal. Mr. Borah further submits that having regard to the grounds taken in this writ petition, a direction be issued to dispose of the statutory appeal in a time bound manner before the writ petition can be entertained on merit.

After hearing the submissions of the learned counsel for both the sides and on going through the materials available on record, I am also of the view that the appellate authority must be directed to consider the appeal preferred by the writ petitioner on merit and dispose of the same with a reasoned order. As such, without expressing any opinion on the merit of the claims and counter-claims of

the parties, this writ petition stands disposed of at the stage of motion hearing by providing that the statutory appeal preferred by the petitioner, which is pending disposal before the Chief Secretary to the Government of Assam i.e. the respondent No.2 herein, be heard and disposed of by a reasoned order, as expeditiously as possible but not later than 90 days from the date of receipt of a certified copy of this order. If the petitioner continues to remain aggrieved in the matter even thereafter, it would be open for him to approach this Court once again by filing a fresh writ petition.

With the above observations, the writ petition stands disposed of.

JUDGE

Comparing Assistant