

GAHC010028992024



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

Case No. : WP(C)/994/2024

DIGGOSH KAMPRAI
S/O- CHITTA RANJAN KAMPRAI, R/O- HAFLONG, P.O. AND P.S. HAFLONG,
DISTRICT- DIMA HASAO, ASSAM

VERSUS

THE STATE OF ASSAM AND 6 ORS
THROUGH- THE PRINCIPAL SECRETARY, TO THE GOVERNMENT OF
ASSAM, HEALTH AND FAMILY WELFARE DEPARTMENT, DISPUR,
GUWAHATI- 781006

2:THE MISSION DIRECTOR
NATIONAL HEALTH MISSION
ASSAM
SAIKIA COMMERCIAL COMPLEX
SRINAGAR
G.S.ROAD
CHRISTIAN BASTI
GUWAHATI- 781005

3:THE JOINT DIRECTOR OF HEALTH SERVICES
ASSAM CUM MEMBER SECRETARY
DISTRICT HEALTH SOCIETY
KARIMGANJ
P.O. KARIMGANJ
DISTRICT KARIMGANJ
ASSAM

4:THE JOINT DIRECTOR OF HEALTH SERVICES
ASSAM CUM MEMBER SECRETARY
DISTRICT HEALTH SOCIETY
DIMA HASAO

P.O. HAFLONG
DISTRICT- DIMA HASAO
ASSAM

5:THE PRINCIPAL SECRETARY
N.C. HILLS AUTONOMOUS COUNCIL
HAFLONG
DISTRICT- DIMA HASAO
ASSAM

6:THE EXECUTIVE MEMBER
IN-CHARGE HEALTH
FAMILY WELFARE AND NATIONAL HEALTH MISSION
N.C. HILLS AUTONOMOUS COUNCIL
HAFLONG
DISTRICT- DIMA HASAO
ASSAM

7:SMTI. DIKSHA SARMA
PHYSIOTHERAPIST
KARIMGANJ CIVIL HOSPITAL
P.O. KARIMGANJ
DISTRICT- KARIMGANJ
ASSA

Advocate for the Petitioner : MR. R MAJUMDAR

Advocate for the Respondent : SC, HEALTH

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

26.02.2024

Heard Mr. J.U.N.M. Laskar, learned counsel for the petitioner. Also heard Ms. K. Bora, learned Standing Counsel, National Health Mission (NHM) and Ms. R. Deka, learned Standing Counsel, NC Hills Autonomous Council.

This writ petition is filed by the petitioner seeking a direction to the

respondent authorities to consider the request for transfer and posting of the petitioner in his capacity as a Physiotherapist from Karimganj Civil Hospital to Halflong Civil Hospital. Learned counsel for the petitioner referring to the representation dated 29.09.2023 (Annecure-5 to the writ petition) filed by the petitioner submits that he has sought for transfer back to Halflong on the ground that his old aged parents are in constant need of medical care and attention and he being the only son in his absence there is none to look after them. Learned counsel for the petitioner has also referred to the communication dated 22.09.2023 issued by the Executive Member, In-charge Health, Family Welfare & NHM, North Cachar Hills Autonomous Council, Halflong, who has recommended the transfer of the petitioner back to Halflong. Similar communication has been issued by the Principal Secretary, NC Hills Autonomous Council, Halflong on 07.12.2023 but in spite of such communications, the authorities have not passed any order in his representation dated 29.09.2023 stated to have been filed before the respondent no.2 i.e. the Mission Director of NHM.

Ms. K. Bora, learned Standing Counsel, NHM has placed before the Court the transfer policy of the NHM issued by the communication dated 21.08.2012.

As per the said transfer policy, in respect of transfer on request all

applications are to be submitted in the prescribed format, which is available in the portal of NHM and which is required to be downloaded. As per the said policy the request made in any other format will not be considered.

Learned Standing Counsel, NHM submits that the representation of the petitioner is not in the prescribed format and perhaps that is the reasons as to why the representation of the petitioner has not yet been considered.

Learned counsel for the petitioner submits at this stage that if that be so then he be permitted to resubmit his application in the prescribed format and such submission is not objected to by the learned Standing Counsel, NHM.

In view of such submission made by the learned counsel for the writ petitioner, the writ petition stands disposed of without expressing anything on merit permitting the writ petitioner to resubmit his application on the prescribed format as per the transfer policy mentioned by the NHM by their communication dated 21.08.2012. Once such application is submitted in the prescribed format, the respondent authority, namely, the respondent no.2 will consider the application sympathetically and pass necessary order intimating the same to the petitioner. The application/representation, if so submitted in the prescribed format, will be disposed of within 30 (thirty) days from the date of receipt of such copy of the application along with a certified copy of this order.

Writ petition stands disposed of in terms of the above.

JUDGE

Comparing Assistant