

GAHC010029752024



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

Case No. : WP(C)/878/2024

DIPAK KUMAR DAS
S/O- LATE DHANESWAR DAS ,
R/O- GANAKKUCHI WARD NO-21,
P.O- GANAKKUCHI,
P.S- BARPETA, DIST- BARPETA, ASSAM

VERSUS

THE STATE OF ASSAM AND 4 ORS
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
ASSAM, HEALTH DEPARTMENT
DISPUR, GUWAHATI- 781006.

2:THE ACCOUNTANT GENERAL
ASSAM
BELTOLA
MAIDAN GAON
GUWAHATI-29

3:THE DIRECTOR OF HEALTH SERVICES
ASSAM HENGRABARI
GUWAHATI-36

4:THE ADDL. DIRECTOR OF HEALTH SERVICES
ASSAM HENGRABARI
GUWAHATI-36

5:THE JOINT DIRECTOR OF HEALTH SERVICES
BARPETA
DIST- BARPETA
ASSAM

Advocate for the Petitioner : DR. P K GOSWAMI

Advocate for the Respondent : SC, AG

BEFORE
HON'BLE MR. JUSTICE SOUMITRA SAIKIA
ORDER

21.02.2024

Heard Mr P K Goswami, learned counsel for the petitioner, Ms A Parasar, learned counsel for the respondent No. 2 and Mr D P Borah, learned Standing Counsel, appearing for the Health Department

2. This writ petition is filed by the petitioner, who was appointed as Steno-Typist vide order dated 07.09.2002, in GNM Training School at Barpeta Civil Hospital. The initial appointment was under a centrally sponsored scheme. Subsequently, the State Government accorded necessary sanction in respect of those posts and the petitioner has been serving in a sanctioned post of Stenographer Grade-III.

3. It is the grievance of the petitioner that he is entitled to be given the salary as payable under the Assam Stenographers Service Rules, 1995, read with the ROP Rules. However, since his date of appointment, his salary has not been granted in the appropriate scale of pay, nor has he been given a grade pay. It is submitted that such denial is contrary to the 1995 Rules as well as the ROP Rules. In this context, the petitioner has represented before the Director, Health Services, by his representation dated 26.05.2023, ventilating his grievances. The said representation was again forwarded by the Joint Director, Health Services, to the Director of Health Services, by communication dated 01.06.2023.

4. Learned counsel for the petitioner submits that in spite of the representations submitted, no speaking order has been passed by the authorities nor has his prayer been considered by the competent authority.

5. Learned counsel for the petitioner submits that his limited prayer before this Court in the writ petition is to issue a direction to the respondent authorities, more particularly, the Director of Health Services/respondent No. 3, to consider and pass appropriate orders on his representation dated 26.05.2023, stated to be pending before the Director of Health Services/respondent No. 3.

6. Such prayer is not objected by the learned Standing Counsel for the Health Department, Mr D P Borah.

7. In that view of the matter, this writ petition stands disposed of with a direction to the respondent No. 3, Director of Health Services, to consider the representation, stated to have been filed by the petitioner and verify the claims made by the petitioner. The Director of Health Services, will thereafter, dispose of the representation by passing a speaking order. Any such order that is passed by the Director of Health Services, a copy thereof will be served on the writ petitioner. The Director shall dispose of the writ petition in terms of the above, within a period of 30 days from the date of receipt of a certified copy of this order.

8. Writ petition, accordingly, stands disposed of.

JUDGE

Comparing Assistant