

GAHC010034152024



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

Case No. : WP(C)/1023/2024

PRASANTA DAS
S/O LATE AJIT DAS,
VILL.- ROHA GAON, P.O.- RAHA, P.S.- RAHA, DIST.- NAGAON, ASSAM, PIN-
782103.

VERSUS

THE STATE OF ASSAM AND 3 ORS.
TO BE REP. BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM,
HEALTH AND FAMILY WELFARE DEPTT. DISPUR, GUWAHATI- 6.

2:THE MISSION DIRECTOR
NATIONAL HEALTH MISSION
ASSAM
SAIKIA COMMERCIAL COMPLEX
SREENAGAR PATH
CHRISTIAON BASTI
G.S. ROAD
GUWAHATI- 781005.

3:THE EXECUTIVE DIRECTOR
NATIONAL HEALTH MISSION
ASSAM
SAIKIA COMMERCIAL COMPLEX
SREENAGAR PATH
CHRISTIAN BASTI
G.S. ROAD
GUWAHATI- 781005.

4:THE JOINT DIRECTOR OF HEALTH SERVICES CUM MEMBER
SECRETARY
DISTRICT HEALTH SOCIETY
NAGAON

DIST.- NAGAON
ASSAM
PIN- 78

Advocate for the Petitioner : MR. A M S MAZUMDER

Advocate for the Respondent : SC, HEALTH

BEFORE
HONOURABLE MR. JUSTICE LANUSUNGKUM JAMIR

ORDER

Date : 05-04-2024

Heard Mr. A.M.S. Mazumder, learned counsel for the petitioner.

Also heard Mr. G. Gogoi, learned Standing counsel, Health Department, for all the respondents.

While the petitioner was serving as Community Health Officer on contractual basis under the National Health Mission, Assam at Jukuta Health and Wellness Center under Barapujia BPHC (Block Primary Health Care) in the district of Nagaon, he was arrested on 22.09.2023 by Kachua Police Station in connection with Kachua P.S. Case No.126/2023 under Section 354/354(A)/354(B)/376/376(2)(e) /511 of the IPC. The petitioner was released on bail on 07.11.2023. Thereafter, the petitioner made an application on 17.11.2023 before the Joint Director of Health Services, Nagaon (Assam) requesting for permitting him to resume his duty. The said application was forwarded to the Managing Director, NHA for doing the needful. Thereafter, the petitioner made another application before the Mission Director, NHM, Assam on 04.01.2024 praying for permission to resume his duties. It is the case of the petitioner that he has not been placed under suspension and therefore, not allowing him to resume duty despite being released on bail as well as not being

paid his salary is illegal.

After hearing the learned counsel for the parties and on consideration of the materials available on record, it is seen that the representation dated 04.01.2024 made by the petitioner to the Mission Director, NHM, Assam / respondent No. 2, is still pending for disposal. Accordingly, this writ petition is disposed of directing the respondent No. 2 / Mission Director, NHM, Assam to consider and dispose of the representation dated 04.01.2024 made by the petitioner, in accordance with law, within a period of 3 (three) weeks from the date of receipt of the certified copy of this order.

With the above observations and directions, the instant Writ Petition is disposed of.

JUDGE

Comparing Assistant