

GAHC010062652024



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

Case No. : WP(C)/1724/2024

DULALUDDIN AHMED
SON OF MD. IDRISH ALI,
RESIDENT OF VILLAGE AND P.O.- BARALI MARI,
P.S.- BHURAGAON,
DISTRICT- MORIGAON, ASSAM,
PIN- 782121.

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM,
MEDICAL EDUCATION AND RESEARCH DEPARTMENT,
DISPUR, GUWAHATI- 781006.

2:THE DIRECTOR OF MEDICAL EDUCATION
ASSAM
SIX MILE
KHANAPARA
GUWAHATI- 781022.

3:THE PRINCIPAL-CUM-CHIEF SUPERINTENDENT
GAUHATI MEDICAL COLLEGE AND HOSPITAL
GUWAHATI-32.

4:THE NODAL OFFICER
REGIONAL GERIATRIC CENTRE
GAUHATI MEDICAL COLLEGE AND HOSPITAL
GUWAHATI- 781032

Advocate for the Petitioner : MR J C BORAH

Advocate for the Respondent : SC, HEALTH

**BEFORE
HONOURABLE MR. JUSTICE LANUSUNGKUM JAMIR**

ORDER

Date : 03.05.2024

Heard Mr. J. C. Borah, learned counsel for the petitioner. Also heard Mr. D. Upamainya, learned standing counsel, Health and Family Welfare Department for all the respondents.

2. The petitioner joined as a Sanitary Attendant for National Program for the Health Care of the Elderly (NPHCE) in the Gauhati Medical College and Hospital, Guwahati on 21st of July, 2015. The grievance of the petitioner is that he has not been paid his salary for the month of April 2023, May 2023, July 2023, November 2023, January 2024, February 2024 and March 2024 amounting to a sum of Rs.1,45,732/- (Rupees one lakh fourty five thousand seven hundred thirty two) only.

3. The respondent No.3 has filed affidavit-in-opposition and in paragraph-4 it has been stated that the pending salaries of the petitioner for month of June 2023, August 2023, September 2023, October 2023 and December, 2023 has already been paid to the writ petitioner.

4. The learned standing counsel, Health Department further submits that after the affidavit-in-opposition by the respondent No.3 was filed, the petitioner has been paid his salary for the month of March, 2024. It is also submitted that the arrear salary will be paid to the petitioner as and when funds are available.

5. Recording the submissions made by the learned counsel for the respondent No.3, this writ petition is disposed of directing the respondent No.3 to pay the arrear salary of the petitioner at the earliest but not later than 3(three) months from the date of receipt of a copy of the order of this Court.

6. The learned counsel for the petitioner also submits that vide communication dated 13th of November, 2017 issued by the Govt. of India, Ministry of Health and Family Welfare, Department of Health and Family Welfare a grant of 5% increase in the monthly remuneration of contractual staffs, working under the program at various RGCs w.e.f 01.10.2017 has been approved. The petitioner has been discharging his duties since the date of his appointment i.e., 21.07.2015 and the arrear increment in salary has also been withheld by the authorities.

Considering the submission made by the learned counsel for the petitioner, the respondent authorities are directed to verify the records and if the petitioner is found eligible for the 5% increased in monthly remuneration w.e.f 01.10.2017, the same shall also be released to him within a period of 3(three) months from the date of receipt of a copy of the order of this Court.

7. With the above observations and directions, this writ petition is disposed of.

JUDGE

Comparing Assistant