

GAHC010062662024



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

Case No. : WP(C)/1727/2024

SABIHA BEGUM
C/O- ANARULL ISLAM,
R/O- HATIGAON,
P.O AND P.S- HATIGAON, GUWAHATI-38, DIST- KAMRUP(M), ASSAM

VERSUS

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

2:THE DIRECTOR OF MEDICAL EDUCATION
ASSAM
SIXMILE
KHANAPARA GUWAHATI
PIN-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 SOUMITRA SAIKIA**

ORDER

03.05.2024

Heard Mr. J.C. Borah, learned counsel for the petitioner. Also heard Mr. D. Upamanyu, learned Standing Counsel, Health.

2. This writ petition has been filed by the petitioner praying for arrear salary amounting to Rs. 4,79,833/- (as stated in the affidavit) in respect of the petitioner towards the services rendered as a Staff Nurse for National Programme for the Health Care of the Elderly (NPHCE) in Gauhati Medical College & Hospital, Guwahati. The petitioner is aggrieved that the monthly arrear salary for the services rendered has not been released inspite of several representations made.

3. The respondents more particularly respondent No. 3 has filed their affidavits. At paragraph-4 in the affidavit, it is stated that arrear salary from the months June, 2023 to December, 2023 has been released. The further arrear salary will be paid to the petitioner as and when the funds are available.

4. The learned counsel petitioner submits that there is no dispute regarding the petitioner's entitlement to arrear salary. However, the stand of the respondents that the arrear salary shall be released only upon funds being available is wholly unjustified. If the petitioner's claims are found to be justified then the arrear salary is to be released forthwith.

5. The learned counsel for the parties have been heard. Pleadings have been

perused. It is seen that the affidavit filed by respondent No. 3 clearly states that the arrear salary shall be released to the petitioner as and when funds are available. That apart arrear salary for the months June, 2023 to December, 2023 has already been released. Perusal of the affidavit does reveal anywhere that the respondents have disputed claims of arrear salary of the writ petitioner.

6. Under such circumstances, we do not find it necessary to keep the writ petition pending any longer. The writ petition stands disposed of with a direction to all the respondents to take all steps necessary for release of the arrear monthly salary payable to the petitioner. If the sufficient funds are not available with the respondent No. 3 then necessary proposals thereto shall be made by the respondent No. 3 before the competent department and thereafter as and when such proposals are furnished, the department will ensure that necessary funds are placed at the disposal of the respondent No. 3 for release of the arrear salary in respect of the writ petitioner.

7. The entire exercise shall be completed as expeditiously with the outer limit of 90 days from the date of receipt of certified of this order

8. With the above observations, the writ petition stands closed.

JUDGE

Comparing Assistant