

GAHC010124042023



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

Case No. : WP(C)/3308/2023

NIRANJAN BARMAN
S/O- LATE BHAGAWAN BARMAN, R/O- VILL- HATIAMUKH, P.O.
HATIAMUKH, P.S. JAGIROAD, DIST.- MORIGAON, PIN- 782411

VERSUS

THE STATE OF ASSAM AND 2 ORS
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,
DEPTT. OF HEALTH AND FAMILY WELFARE, DISPUR, GHY-06

2:THE DIRECTOR OF HEALTH SERVICE
HENGRABARI
GUWAHATI-36

3:THE JOINT DIRECTOR OF HEALTH SERVICE
MORIGAON
DIST.- MORIGAON
PIN- 78210

Advocate for the Petitioner : MR. M J BARUAH, MS M NEOG,MS B MAJUMDER

Advocate for the Respondent : SC, HEALTH,

BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM

ORDER

Date : 16/09/2024

Heard Mr. M.J. Baruah, learned counsel for the writ petitioner. Also heard Ms. S. Sarma,

learned Standing Counsel, Health Department, Assam, appearing for the respondents.

The writ petitioner herein, has retired from service as Non Medical Supervisor (NMS) working under the office of the Joint Director, Health Services, Morigaon, upon attaining his age of superannuation w.e.f. 31/01/2020. After his retirement, the petitioner is receiving pension on regular basis. The only grievance of the petitioner, as agitated in this writ petition, is that for no valid reason, the authorities have not paid him salary for the month of February, 2017 amounting to Rs. 45,145/-. This writ petition is, therefore, instituted seeking a direction upon the respondents to pay him the salary for the month of February, 2017 along with interest @ 9% per annum, calculated on the unpaid dues with effect from February, 2017 till realization.

Ms. S.Sarma, learned Standing Counsel, Health Department, Assam, submits that as per instructions received by her from the Director of Health Services, Hengrabari, the proposal for release of the petitioner's salary for the month of February, 2017 has already been sent to the Government on 07/03/2020. However, the matter is pending with the Government since then.

The Departmental authorities have not filed any affidavit contesting the prayer made in the writ petition. On the contrary, it appears that the Director of Health Services i.e. the respondent no. 2 has forwarded the proposal for release of the arrear salary to the petitioner for the month of February, 2017. There is no explanation as to why despite receipt of the proposal, the amount has not been released till today. Under the circumstances, this Court is of the opinion that no practical purpose would be served by keeping the writ petition pending before this Court any further.

This writ petition is, therefore, being disposed of with a direction upon the respondent no. 1 to examine the grievance of the petitioner as well as the proposal dated 07/03/2020 sent by the Director of Health Services and thereafter, take necessary steps for release of the salary of the petitioner for the month of February, 2017, if the same is found to be due and payable to him. The Finance Department, Government of Assam, shall render necessary cooperation in this matter.

The exercise in terms of this order be carried out and completed within a period of 3 (three) months from the date of receipt of a certified copy of this order.

With the above observation, the writ petition stands disposed of.

JUDGE

sukhamay

Comparing Assistant