

GAHC010147962024



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

Case No. : WP(C)/3702/2024

DR. KHABIRUDDIN AHMED
S/O LATE RAKIBAR RAHMAN, RESIDENT OF VILLAGE KACHARI
SOLMARI, PO AND PS RANGIA, DIST KAMRUP R ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM,
HEALTH AND FAMILY WELFARE DEPARTMENT, ASSAM, DISPUR,
GUWAHATI 781006

2:THE DEPUTY SECRETARY
TO THE GOVT. OF ASSAM
HEALTH AND FAMILY WELFARE DEPARTMENT
ASSAM
DISPUR
GUWAHATI 781006

3:THE DIRECTOR OF HEALTH SERVICES
ASSAM HENGRABARI
GUWAHATI 36

4:THE JOINT DIRECTOR OF HEALTH SERVICES
NALBARI
ASSAM 781335

5:THE JOINT DIRECTOR OF HEALTH SERVICES
BAKSA
MUSHALPUR ASSA

Advocate for the Petitioner : MR. S I HUSSAIN

Advocate for the Respondent : SC, HEALTH AND F W

**BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI**

ORDER

26.07.2024

Heard Shri N.H. Barbhuiya, learned counsel for the petitioner, who has raised certain issues regarding the pending salaries of the petitioner for services rendered by him as Dental Surgeon which he was appointed under Regulation 3 (f) of the APSC (Limitation of Function) Regulation, 1951. The period however is of the year June 1995 to December, 2000, April to December 2001 and September, November and December, 2002. The petitioner had earlier approached this Court on the said issue by filing WP(C)/7935/2004 in which there was an order dated 25.03.2013. The petitioner had thereafter filed contempt case no. 184/2015 which was however dismissed for non prosecution on 21.03.2018.

The learned counsel for the petitioner has submitted that there have been certain *inter* office communication for which he has filed this case.

Also heard Ms. S. Sharma, learned Standing Counsel. Health and Family Welfare Department appearing for the respondents who has raised the issue of maintainability.

Apart from the fact that the cause of action for salaries is till the period of 2002 and the cause of action is sought to be raised after more than two decades, this Court has found that the issue was already adjudicated in the earlier round of litigation instituted vide WP(C)/7935/2004 which was disposed

of on 25.03.2013.

As indicated above, the contempt case being Contempt Case no. 184/2015 was also dismissed for non prosecution by this Court vide order dated 21.03.2018. The petition demonstrates lack of due diligence.

At this stage, the learned counsel begs to withdraw the writ petition.

Writ petition is accordingly dismissed on withdrawal.

JUDGE

Comparing Assistant