

GAHC010214752024



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

Case No. : WP(C)/5294/2024

RIPONJYOTI SARMAH @ RIPON SARMAH
S/O- KHAGEN SARMAH, PROPRIETOR OF M/S KAZIRANGA MEDICOS,
MOTHER TERESA ROAD, NARENGI, GUWAHATI- 781026, DIST. KAMRUP
(M), ASSAM

VERSUS

THE UNION OF INDIA AND 3 ORS
REPRESENTED BY ITS SECRETARY, MINISTRY OF HEALTH AND FAMILY
WELFARE, NIRMAN BHAWAN, NEW DELHI- 110011

2:THE DIRECTOR
ROOM NO. 545-A WING
CENTRAL GOVT.
HEALTH SCHEME
DIRECTORATE GENERAL OF CENTRAL GOVT. HEALTH SCHEME
MINISTRY OF HEALTH AND FAMILY WELFARE
NIRMAN BHAWAN
NEW DELHI- 110011

3:THE ADDL. DDG (HQ) DIRECTORATE GENERAL OF CGHS
MINISTRY OF HEALTH AND FAMILY WELFARE
NIRMAN BHAWAN
NEW DELHI- 110011

4:THE ADDITIONAL DIRECTOR
CENTRAL GOVT.
HEALTH SCHEME A.K.AZAD ROAD
GOPINATH NAGAR
GUWAHATI- 78101

Advocate for the Petitioner : MRS. S BORPATRA GOHAIN, MS A.DAS,MR. P P BARUAH,MS

P.HAZARIKA,MR. S AHMED,DR R C BORPATRA GOHAIN

Advocate for the Respondent : DY.S.G.I.,

**BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

ORDER

21.10.2024

Heard Dr. R.C. Borpatrogohain, learned Sr. Counsel for the petitioner assisted by Ms. P. Hazarika. Also heard Mr. K. Gogoi, learned counsel appearing for all the respondents.

2. The petitioner's counsel submits that the present writ petition has become infructuous in view of the order dated 18.10.2024 issued by the Additional Director, CGHS, Guwahati. He accordingly submits that the petitioner will be filing a fresh writ petition challenging the order dated 18.10.2024.

3. The petitioner's case is that he is having an existing contract as an authorized local Chemist under the Central Government Health Scheme till 16.12.2024. The further case of the petitioner is that in terms of Clause 12 of the contract agreement executed between the parties, the initial contract period is for a period of 3 years, which may be extended for 1 more year, strictly on the basis of satisfactory performance, at the sole discretion of the Additional Director, CGHS, Guwahati with the approval of the Ministry. The petitioner accordingly submitted a representation dated 23.09.2024, requesting for extension of his contract period in terms of Clause 12. As the petitioner's representation was not being decided, the present writ petition was filed.

4. This Court in its order dated 08.10.2024 directed the Additional Director, Central Government Health Scheme, Guwahati, to consider the petitioner's representation and to pass a speaking order in terms of Clause 12 of the contract agreement.

5. Dr. R.C. Borpatroghain, learned Sr. Counsel for the petitioner submits that the Additional Director, CGHS, Guwahati has issued an order dated 18.10.2024, regretting the petitioner's representation to extend his services by one more year. He accordingly submits that as the present writ petition has become infructuous, the petitioner will be filing a fresh writ petition challenging the order dated 18.10.2024 issued by the Additional Director, CGHS, Guwahati.

6. In view of the order dated 18.10.2024 issued by the Additional Director, CGHS, Guwahati, this Court finds that the present writ petition has become infructuous. The writ petition is accordingly closed as infructuous.

JUDGE

Comparing Assistant