

GAHC010019942018



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

Case No. : WP(C) 7217/2017

1:ASSAM DENTAL SERVICE ASSOCIATION
REGD NO. 2248
MNC HOSPITAL CAMPUS
PANBAZAR
GUWAHATI- 01
REP. BY ITS PRESIDENT

VERSUS

1:THE STATE OF ASSAM and 2 ORS.
REP. BY THE PRINCIPAL SECRETARY OF THE GOVT OF ASSAM
HEALTH AND FAMILY WELFARE DEPARTMENT
DISPUR
GUWAHATI-6

2:SAMIR SINGHA
PRINCIPAL SECRETARY
HEALTH AND FAMILY WELFARE DEPARTMENT
DISPUR
GUWAHATI- 06

3:DIRECTOR OF HEALTH SERVICES
ASSAM
DISPUR
GUWAHATI-6

Advocate for the Petitioner : MS.P HAZARIKA
Advocate for the Respondent :

Linked Case : **Cont.Cas(C) 52/2018**

1:ASSAM DENTAL SERVICE ASSOCIATION
MMC HOSPITAL CAMPUS, PANBAZAR, GHY-1, REP. BY ITS PRESIDENT

VERSUS

1:SAMIR KR. SINHA
PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM, HEALTH AND FAMILY
WELFARE DEPTT., ASSAM, DISPUR, GHY-6

Advocate for the Petitioner : MR. B CHAKRABORTY

Advocate for the Respondent : MR. D BORA, SC, HEALTH & FAMILY WELFARE DEPTT.

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

Date : 29-10-2019

Heard Mr. B. Chakraborty, learned counsel for the petitioner Association and Mr. D. P. Bora, learned Standing Counsel, Health and Family Welfare Department for the respondents.

The petitioner is an Association of the Dental Surgeons serving in the State under the Health and Family Welfare Department. The posts of Dental Surgeons are ex-cadre posts, having no promotional avenues. The petitioner earlier approached this Court in a writ petition, being WP(C) No. 1299/2007 that was disposed of on 29.06.2010, wherein the respondents were directed to consider the grievances of the petitioner suitably amending the Service Rules as indicated in the said order within a reasonable period of time.

As the relevant Service Rule was not amended, the petitioner, alleging that the respondents willfully did not comply with the said direction of the Court dated 29.06.2010 passed in WP(C) No. 1299/2007, approached this Court in Cont.Cas(C) No. 225/2011, wherein the respondents filed an affidavit on 01.12.2011, seeking 2 (two) months' time to complete the necessary procedure in amending the Rules in compliance of the order dated 29.06.2010 passed in WP(C) No. 1299/2007. Accordingly, the said contempt petition was disposed of on 04.09.2013, directing the respondents in the Health and Family Welfare Department of the State to pass an appropriate order in terms of the direction issued on 29.06.2010 in WP(C) No. 1299/2007 preferably within 31.10.2013.

The petitioner's grievance is that though the relevant file moved through the concerned Departments for amending the relevant Rules for giving promotional avenues to the Dental Surgeon

serving under the State, but till date, the relevant Rule has not yet been amended in spite of the orders of the Court dated 29.06.2010 passed in WP(C) No. 1299/2007 as well as the order dated 04.09.2013 passed in Cont.Cas(C) No. 225/2011, noted above.

As such, the petitioner's association has approached this Court in the present writ petition.

As the order dated 29.06.2010 passed in WP(C) No. 1299/2007 is still in force, by passage of time, the said order has become absolute and final.

Considering all the above, it is directed that the respondents shall comply with the order dated 29.06.2010 passed in WP(C) No. 1299/2007 on or before 15.12.2019 amending the Relevant Rules by making necessary Gazette Notification.

List on **17.12.2019**, enabling the respondents to place the copy of the Gazette Notification amending the Rules in terms of the order dated 29.06.2010 passed in WP(C) No. 1299/2007.

A copy of this order be furnished to Mr. D. P. Bora, learned Standing Counsel, Health and Family Welfare Department, by obtaining acknowledgement.

JUDGE

Comparing Assistant