

GAHC010023552015



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

Case No. : WP(C) 6375/2015

1:DR. GANESH CHANDRA BORA and 12 ORS
READER/ASSOCIATE PROFESSOR, DR J.K. SAIKIA HOMEOPATHIC
MEDICAL COLLEGE and HOSPITAL, JORHAT, ASSAM, PIN - 785008.

VERSUS

1:THE STATE OF ASSAM AND 2 ORS
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,
DEPARTMENT OF HEALTH and FAMILY WELFARE, DISPUR, GUWAHATI -
781006.

Advocate for the Petitioner : MR.I KALITA

Advocate for the Respondent :

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

13.05.2019

Heard Mr. U. K. Nair, learned Senior Counsel assisted by Mr. M.P. Sharma, learned counsel for the petitioner. Also heard Mr. R. Borpujari, learned Standing Counsel for the Finance Department and Ms. D. Bora, learned Standing Counsel for the Health and Family Welfare Department.

2. It is seen that by order dated 22.05.2017 by this Court was to the following effect:-

“Heard Ms. M D Bora, learned counsel, who appears on behalf of Mr. P N Goswami, the learned counsel

for the writ petitioners as well as Ms. S Sarma, the learned Standing counsel, Health & Family Welfare Department. Also heard Ms. A Verma, the Standing counsel, Finance Department.

The controversy in the instant case as projected by the writ petitioners is the non-implementation of the recommendation of the Pay Anomaly Committee, 2010, wherein, the petitioners claim that they are to receive AICTE pay scales which are in fact not accorded to the Post Graduate teachers working in different Homeopathic Medical Colleges of the State. The petitioners contend that when such benefit has been given to the teachers of Allopathic and Ayurvedic Medical Colleges, there is no reason to deny the petitioners the revised pay scale.

Ms. A Verma, the learned Standing counsel submits that although the Finance Department had sought some clarifications about according sanction of the revised scale from the Health and Family Welfare Department, the reply that was given was without any justification and proper consideration of enhancement of the pay scale. Therefore, the Finance Department has sought further clarifications from the Health and Family Welfare Department which is still being awaited.

The learned Standing counsel for the Health and Family Welfare Department, Ms. S Sarma submits that she has received a communication dated 17.05.2017 from the Health Department by which it has been informed that the Health and Family Welfare Department is on the process and will be very soon submitting the full justification and clarifications to the Finance Department. She, therefore, submits that the Health Department be given 2 (two) weeks time to respond to the query of the Finance Department.

In view of the above submissions, the case be posted again on 05.06.2017.

The learned counsel for the respondents shall intimate to the Court the status of the case on that date. The respondents may also file their additional affidavit-in-opposition, if so advised . "

3. Today when the matter was taken up, the learned Standing Counsel for the Health Department has produced a copy of letter dated 07.05.2019 by the Joint Secretary to the Govt. of Assam, Health and Family Welfare (B) Department addressed to the learned Standing Counsel for the Health and Family Welfare Department, indicating that no instructions has been received from the Finance (PRU) Department and that the said department was being moved for obtaining their instructions.

4. In view of the contains of the said letter, the learned Standing Counsel for the Finance Department has submitted that as on 15.03.2016, the stand of the Finance Department was that the Health Department was required to give their justification for granting pay scale of AICTE to the faculty members of Homeopathic Medical Colleges in Assam. The stand taken in the affidavit-in-opposition dated 15.03.2016 does not justify why the Finance Department had failed to give any instructions as stated in the hereinbefore letter dated 07.05.2019.

5. It is seen that the matter is pending before the Finance Department and the Health and Family Welfare (B) Department for more than reasonable time in corresponding with each other. Having regard to the report of the Pay Anomaly Committee of 2010, in pursuance to

the 6th Pay Commission, this Court is inclined to direct the Head of the Department (In-Charge) of Health and Family Welfare (B) Department, and Head of the Department (In-Charge) Finance (PRU) Department to have a joint meeting, preferably within a period of 1(one) month from the date wherein both the In-charge/Head of the Department can explain to each other the nature of requirements both will have to comply with considering the report of the Anomay Committee, 2010.

6. In order to facilitate the same, let a copy of the order be provided to the learned Standing Counsel for the Finance Department as well as the Health and Family Welfare Department for onward communication to the concerned Head of the two Departments (In-charge).

7. Awaiting further instructions by the respective Standing Counsel for the Health and Family Welfare Department as well as Finance Department, the matter stands adjourned to **24.06.2019.**

JUDGE

Comparing Assistant