

GAHC010098412020



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

Case No. : WP(C)/2974/2020

ALL ASSAM NURSES ASSOCIATION
REP. BY ITS PRESIDENT AMIRAN NESSA, AGE 52 YEARS, BORBARI, USHA
NAGAR, BYE LANE NO. 2, GUWAHATI-781036

2: JUNU CHUTIA
GENERAL SECRETARY
ALL ASSAM NURSES ASSOCIATION
R/O JYOTINAGAR
JHALAN NAGAR
GABHARUPATHAR
DIST. DIBRUGARH-78600

VERSUS

THE STATE OF ASSAM AND 5 ORS
REP. BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM, DEPTT. OF
HEALTH AND FAMILY WELFARE, CM BLOCK 3RD FLOOR, ASSAM
SECRETARIAT DISPUR, ASSAM, PIN-781006

2:SPECIAL SECRETARY
TO THE GOVT. OF ASSAM
HEALTH AND FAMILY WELFARE DEPTT. ASSAM SECRETARIAT DISPUR
GUWAHATI
ASSAM
PIN-781006

3:PRINCIPAL SECRETARY
TO THE FINANCE DEPTT. GOVT. OF ASSAM
DISPUR
GUWAHATI-6

4:DEPUTY SECRETARY
TO THE GOVT. OF ASSAM
HEALTH AND FAMILY WELFARE (B) DEPTT. ASSAM SECRETARIAT
DISPUR
GUWAHATI
ASSAM
PIN-781006

5:DIRECTOR
HEALTH SERVICES
ASSAM HEALTH COMPLEX
HENGRABARI
GUWAHATI-781036

6:DIRECTOR OF MEDICAL EDUCATION
ASSAM
SIXMILE
KHANAPARA
GUWAHATI
ASSAM
PIN-78102

Advocate for the Petitioner : MR. T J MAHANTA

Advocate for the Respondent : SC, HEALTH AND F W

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

28.07.2023

Heard Mr. M Saikia, learned counsel for the petitioners association and Mr. D P Borah, learned Standing counsel, Department of Health and Family Welfare Department, Assam for the respondent Nos. 1, 2, 4 to 6. Also heard Mr. R Borpujari, learned Standing counsel, Finance Department, Assam for the respondent No. 3.

The petitioners of the association herein are Staff Nurses serving under the Health and Family Welfare Department of the State, but without having B.Sc. Degree.

On the approach of the Staff Nurses, having B.Sc. Degree, the Pay and Anomaly Committee under the Finance Department of the State allowed the Pay Scale of Rs. 8,700/- per month along with other Grade Pay and financial benefits to them.

Though the employees of the petitioners association are also Staff Nurses rendering similar duties as that of the Staff Nurses having B.Sc. Degree, who have been paid the Grade Pay of Rs. 8,700/- depriving them from such financial benefits.

The Health and Family Welfare off the State clarified that the decision of the Pay and Anomaly Committee of the Finance Department of the State regarding payment of Grade Pay of Rs. 8,700/- was without any consultation with the Health Department of the State.

On being enquired, Mr. Borpujari, Standing counsel, Finance Department has submitted that the 7th Pay Commission recommended two different Grade Pays for Staff Nurse, one having B.Sc. Degree at Rs. 8,700/- and the other Staff Nurse without having B.Sc. Degree at Rs. 6,500/- and accordingly, the Staff Nurses having B.Sc. Degree were given the benefit of Grade Pay of Rs. 8,700/-.

On being enquired about the educational qualifications for the Staff Nurse serving under the Health and Family Welfare Department of the State, Mr. Borah, Standing counsel, Department of Health and Family Welfare Department on instruction, submitted that B.Sc. degree is not mandatory as maximum qualification for Staff Nurse, only GNM Diploma is sufficient for such Staff Nurse in the Health and Family Welfare Department of the State.

On further enquiry, Mr. Borah submitted that both the Staff Nurse, having GNM Diploma without B.Sc. Degree as well as Staff Nurse having B.Sc. Degree are rendering similar duties.

With regard to the directions issued earlier by this Court on 20.03.2023, Mr. Borah has submitted that the State Government in the Health Department is presently doing the needful to meet the requirements as sought for earlier by the Court and the information that were sought for by the Finance Department of the State.

Pursuant to the order dated 20.03.2023, both the Finance Department as well as Health and Family Welfare Department of the State shall file their affidavit(s) in the matter on or before 28.08.2023.

List on **11.09.2023.**

JUDGE

Comparing Assistant