

GAHC010085022019



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

Case No. : Review.Pet. 77/2019

1: NATIONAL HEALTH MISSION, ASSAM AND 2 ORS.
REP. BY THE MISSION DIRECTOR, NATIONAL HEALTH MISSION, SAIKIA
COMMERCIAL COMPLEX, CHRISTIAN BASTI, GHY-6, KAMRUP(M),
ASSAM.

2: DIRECTOR FINANCE AND ACCOUNTS

NATIONAL HEALTH MISSION
CHRISTIANBASTI
GHY-6.

3: THE ACCOUNTANT
NATIONAL HEALTH MISSION

CHRISTIANBASTI
GHY-5

VERSUS

1: MD. IKRAM ALI HAZARIKA AND 2 ORS
S/O- LATE ABEDUR ZAMAN, R/O- VILL.- MUKALMUA, P.O. AND P.S.
MUKALMUA, DIST.- NALBARI, ASSAM.

2: THE STATE OF ASSAM
REP. BY THE COMMISSIONER AND SECRETARY
HEALTH DEPARTMENT
GOVT. OF ASSAM
DISPUR
GHY-6.

3: THE DIRECTOR OF HEALTH SERVICES
ASSAM

Advocate for the Petitioner : MR. B GOGOI

Advocate for the Respondent :

Linked Case : WP(C) 3513/2015

1:MD. IKRAM ALI HAZARIKA
S/O LT. P.A. HAZARIKA
H.NO.79
F.ALI PATH
SIX MILE
P.O. KHANAPARA
GHY-22
ASSAM

VERSUS

1:THE STATE OF ASSAM AND 4 ORS
REP. BY ITS COMMISSIONER AND SECY.
HEALTH DEPTT.
GOVT. OF ASSAM
DISPUR
GHY-6

2:THE DIRECTOR
HEALTH AND F.W. DEPTT.
GOVT. OF ASSAM

3:MISSION DIRECTOR
NATIONAL HEALTH MISSION
GUWAHATI
ASSAM
CHRISTIAN BASTI
GHY-5

4:DIRECTOR OF FINANCE AND ACCOUNTS
NATIONAL HEALTH MISSION
CHRISTIAN BASTI
GHY-5

5:THE ACCOUNTANT
NATIONAL HEALTH MISSION
CHRISTIAN BASTI
GHY-5

Advocate for the Petitioner : MR.A ALI
Advocate for the Respondent : SC
NHM

**BEFORE
HONOURABLE MR. JUSTICE NELSON SAILO**

ORDER

Date : 22-07-2019

Heard Mr. B. Gogoi, the Standing Counsel for the National Health Mission for the review petitioners who submits that by filing this review petition, the petitioners seek review of the Judgment and Order dated 01.02.2018 passed in WP(C) No. 3513 of 2015.

The learned counsel submits that the case of the review petitioners is squarely covered by the decision of the Coordinate Bench of this Court in *Ajoy Kumar Haloi Vs. State of Assam and Ors* reported in *2014 (3) GLT 420*, wherein no relief was granted to the petitioners therein despite his termination being found illegal since the period of his appointment on contract basis during the pendency of the writ petition had already expired. Mr. B. Gogoi therefore submits that in the light of the decision in *Ajoy Kumar Haloi* (Supra), the Judgment and Order dated 01.02.2018 may be reviewed. He further submits that for seeking review of the order passed under Article 226 of the Constitution of India, there is no limitation.

Issue notice to the respondents returnable by 19th August, 2019.

Notice be served upon the respondent Nos. 2 and 3 through the learned Government Advocate/ Standing Counsel of National Health Mission. Petitioners to take steps for service of notice upon the respondents by registered post with A/D due within three days.

Having regard to the case projected by the petitioners, there shall be a status quo till the next date fixed.

List the case again on 19.08.2019.

JUDGE

Comparing Assistant