

GAHC010107092018



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

Case No. : WP(C) 3369/2018

1:MIRZA AMIRUL HUSSAIN
S/O. SAIFUL HUSSAIN, RESIDENT OF RONGHAR CHARIALI, P.O.
DHULIPAR, P.S. JOYSAGAR, DIST. SIVASAGAR, ASSAM.

VERSUS

1:THE STATE OF ASSAM AND 4 ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, HEALTH AND FAMILY WELFARE
DEPARTMENT, DISPUR, GUWAHATI-06, KAMRUP(M), ASSAM.

2:THE MISSION DIRECTOR
NATIONAL HEALTH MISSION
ASSAM
SAIKIA COMMERCIAL COMPLEX
G.S. ROAD
CHRISTIAN BASTI
GUWAHATI-05
KAMRUP(M)
ASSAM.

3:THE EXECUTIVE DIRECTOR
NATIONAL HEALTH MISSION
SAIKIA COMMERCIAL COMPLEX
G.S. ROAD
CHRISTIAN BASTI
GUWAHATI-05
KAMRUP(M)
ASSAM.

4:THE JOINT DIRECTOR OF HEALTH SERVICE CUM MEMBER SECRETARY
DISTRICT HEALTH SOCIETY
DISTRICT- DIBRUGARH
ASSAM

PIN- 781006.

5:THE PROJECT ENGINEER (CIVIL)
NATIONAL HEALTH MISSION
ASSAM
ZONE-A
JORHAT
PIN- 785001

Advocate for the Petitioner : MR. K BORUAH

Advocate for the Respondent : SC, HEALTH

BEFORE
HON'BLE MR. JUSTICE HRISHIKESH ROY
O R D E R

28-05-2018.

The petitioner was engaged on 29.5.2013 (Annexure-A), as an Assistant Engineer (Civil) in Dibrugarh District by the Mission Director of the National Rural Health Mission (NRHM), Assam and the contractual employee is aggrieved by the *termination* notice dated 27.10.2016 (Annexure-E). The impugned communication of the Mission Director highlighted the failure of the Assistant Engineer to execute the assigned responsibilities, in due time.

However, the learned counsel, Mr. K. Boruah refers to the communication dated 16.12.2016 (Annexure-G), to project that the contractual Engineer has managed to complete his assigned tasks and the temporary aberration was on account of the matrimonial dispute which prevented him from discharging his duties to the fullest extent. The further submission of the petitioner is that he is still working notwithstanding the *termination* notice but neither his wages has been paid nor he is permitted to sign the attendance Register.

In view of above, let notice returnable in 4 weeks, be issued.

Mr. B. Gogoi, the learned standing counsel for the Health Department, accepts notice for all five respondents. Necessary extra copies be furnished to him.

JUDGE

Comparing Assistant