

GAHC010219442017



undefined

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

Case No. : WP(C)/4287/2017

MONIKA DAS
W/O LT. DR. G.K. DAS LOWER DIVISIONAL ASSISTANT RETIRED, OFFICE
OF THE DIRECTOR OF HEALTH SERVICES, ASSAM, HENGRABARI,
GUWAHATI -36, DIST. KAMRUP M, ASSAM

VERSUS

THE STATE OF ASSAM and 8 ORS.
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,
DEPARTMENT OF HEALTH AND FAMILY WELFARE, DISPUR, GUWAHATI-
781006.

2:THE DIRECTOR OF HEALTH SERVICES

ASSAM
HENGRABARI
GUWAHATI-781036.

3:SRI ROBINDRA SINHA @ ROBIN SINHA
LDA/JUNIOR ASSISTANT
OFFICE OF THE DIRECTOR OF HEALTH SERVICES
ASSAM
HENGRABARI
GUWAHATI - 781036.

4:SMTI. PARUL KALITA

LDA/JUNIOR ASSISTANT
OFFICE OF THE DIRECTOR OF HEALTH SERVICES
ASSAM
HENGRABARI
GUWAHATI- 781036.

5:SRI DHARANI DHAR KALITA
LDA/JUNIOR ASSISTANT
OFFICE OF THE DIRECTOR OF HEALTH SERVICES
ASSAM
HENGRABARI
GUWAHATI- 781036.

6:SRI SANJU DEORI
LDA/JUNIOR ASSISTANT
OFFICE OF THE DIRECTOR OF HEALTH SERVICES
ASSAM
HENGRABARI
GUWAHATI- 781036.

7:SMTI. MALLIKA BORA
LDA/JUNIOR ASSISTANT
OFFICE OF THE DIRECTOR OF HEALTH SERVICES
ASSAM
HENGRABARI
GUWAHATI- 781036.

8:SRI HITESH CHANDRA KALITA
LDA/JUNIOR ASSISTANT
OFFICE OF THE DIRECTOR OF HEALTH SERVICES
ASSAM
HENGRABARI
GUWAHATI- 781036.

9:SRI MOON MOON DEKA
LDA/JUNIOR ASSISTANT
OFFICE OF THE DIRECTOR OF HEALTH SERVICES
ASSAM
HENGRABARI
GUWAHATI- 781036

Advocate for the Petitioner : MR.B HUSSAIN, MRA BARMAN,MR M BARDOLOI,MR.P K GOSWAMI

Advocate for the Respondent : MR SISHIR DUTTA (RES. 3 TO 9), MR. SIDHANT DUTTA (RES. 3 TO 9),MS S MOCHAHARI (RES. 3 TO 9),SC, HEALTH,,

**BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY**

ORDER

06.02.2025

Heard Mr. P. K. Goswami, learned counsel for the petitioner. Also heard Mr. B. Gogoi, learned Standing Counsel for the Health Department, Assam.

The petitioner, a retired employee has preferred this writ petition for grant of notional promotional benefit inasmuch as she claimed promotion during her service period as according to the petitioner, her juniors were promoted bypassing her.

Mr. Gogoi, learned Standing Counsel for the Health Department, Assam referring to a recent determination made by the Hon'ble Apex Court in the case of **Government of West Bengal & Ors –Vs- Dr. Amal Satpathi and Ors** (Diary No.43488/2023 decided on 27.11.2024) submits that the issue has been determined in the aforesaid judgment and it is held that until and unless a person assumes the promotional post, notional financial benefit cannot be granted after retirement.

At this stage, Mr. Goswami, learned counsel for the petitioner that he may be granted sometime to go through the said judgment and respond.

Prayer is allowed.

List this matter on 11.02.2025.

JUDGE

Comparing Assistant