

GAHC010239162024



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

Case No. : WP(C)/6016/2024

DHRUBA JYOTI CHETIA
SON OF SHRI CHITRADHAR CHETIA,
R/O QR. NO. TYPE VI/A1 LOKOPRIYA GOPINATH BORDOLOI, REGIONAL
INSTITUTE OF MENTAL HEALTH, KALIBARI, TEZPUR, P.O. AND P.S.
TEZPUR, PIN-784001, DIST. SONITPUR, ASSAM

VERSUS

THE UNION OF INDIA AND 6 ORS.
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF INDIA,
MINISTRY OF HEALTH AND FAMILY WELFARE, NIRMAN BHAVAN, NEW
DELHI-110011.

2:THE CHAIRMAN
EXECUTIVE COUNCIL

LOKOPRIYA GOPINATH BORDOLOI REGIONAL INSTITUTE OF MENTAL
HEALTH
REPRESENTED BY THE SECRETARY
HEALTH AND FAMILY WELFARE
GOVERNMENT OF INDIA
NIRMAN BHAVAN
NEW DELHI-110011.

3:THE LOKOPRIYA GOPINATH BORDOLOI REGIONAL INSTITUTE OF
MENTAL HEALTH

REPRESENTED BY ITS DIRECTOR
TEZPUR
DIST. SONITPUR
ASSAM
PIN-784001.

4:THE DIRECTOR LOKOPRIYA GOPINATH BORDOLOI REGIONAL
INSTITUTE OF MENTAL HEALTH

TEZPUR
SONITPUR
ASSAM
PIN-784001

6:DR. SAILENDRA KUMAR DEURI

EX- DIRECTOR
LOKOPRIYA GOPINATH BORDOLOI REGIONAL INSTITUTE OF MENTAL
HEALTH
TEZPUR
SONITPUR
ASSAM
PIN-78400

Advocate for the Petitioner : MR K K MAHANTA (Sr. Advocate), MR S GAUTAM,MR. K K
PHUKAN

Advocate for the Respondent : DY.S.G.I., MR. K GOGOI (C.G.C),SC, L G B R I M H

Linked Case : WP(C)/5114/2024

DR. DHRUBA JYOTI CHETIA
S/O SRI CHITRADHAR CHETIA

PRESENTLY RESIDING AT QTR NO. TYPE VI/A1
LOKOPRIYA GOPINATH BORDOLOI ISNTITUTE OF MENTAL HEALTH
KALIBARI
TEZPUR
P.O. AND P.S.- TEZPUR
PIN- 784001
DISTRICT- SONITPUR
ASSAM.

VERSUS

THE UNION OF INDIA AND 3 ORS
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF INDIA

MINISTRY OF HEALTH AND FAMILY WELFARE
NIRMAN BHAWAN
NEW DELHI- 110011.

2:THE CHAIRMAN
EXECUTIVE COUNCIL
LOKOPRIYA GOPINATH BORDOLOI REGIONAL INSTITUTE OF MENTAL
HEALTH
REPRESENTED BY THE SECRETARY

HEALTH AND FAMILY WELFARE

GOVERNMENT OF INDIA

NIRMAN BHAWAN
NEW DELHI- 110011.

3:THE LOKOPRIYA GOPINATH BORDOLOI REGIONAL INSTITUTE OF
MENTAL HEALTH
REPRESENTED BY ITS DIRECTOR

TEZPUR
DISTRICT- SONITPUR

ASSAM
PIN- 784001.

4:DR. SAILENDRA KUMAR DEURI
APPOINTING AUTHORITY
DIRECTOR

LOKOPRIYA GOPINATH BORDOLOI ISNTITUTE OF MENTAL HEALTH
KALIBARI
TEZPUR
P.O. AND P.S.- TEZPUR
PIN- 784001
DISTRICT- SONITPUR
ASSAM.

Advocate for : MR K K MAHANTA (Sr. Advocate)
Advocate for : DY.S.G.I. appearing for THE UNION OF INDIA AND 3 ORS

BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM

ORDER

Date : 01-04-2025

Heard Mr. K.K. Mahanta, learned Sr. counsel assisted by Ms. N. Begum, learned counsel for the writ petitioner. Also heard Mr. K.N. Choudhury, learned Sr. counsel assisted by Ms. R. Kakati, learned counsel for the private respondent in both these cases.

Mr. A.K. Dutta and Mr. K. Gogoi, learned CGC have appeared on behalf of the respective official respondents.

Attention of this Court has been invited to another pending proceeding in the form of W.P.(C) No. 3769/2024 wherein the private respondent has questioned the order of his retirement from service on attaining the age of 65 years. Mr. Choudhury submits that his client is still continuing in service as Director of the Institution.

It appears that on 30-07-2024 an interim order was passed in that case suspending the order of superannuation of the private respondent, as a result of which, he is still continuing in service.

Referring to the issues involved in these writ petitions, Mr. Choudhury, learned Sr. counsel for the private respondent submits that since the other writ petition being W.P.(C) No. 3769/2024 is at the advance stage of hearing and is fixed on 07-04-2025 before this Court, these matters be taken up any day thereafter, since the outcome of W.P.(C) No. 3769/2024 will have a direct bearing in the present writ petitions.

Although Mr. Mahanta, learned Sr. counsel for the writ petitioner has not denied and disputed the said contention, yet, he has expressed urgency by stating that his client had been unduly forced to retire by an erroneous invocation of FR-56J.

After hearing the submissions of learned counsel for both the sides and as agreed to by them, these matters are directed to be listed again on 24-04-2025, as fixed items, for further hearing.

Office to tag the additional affidavit dated 27-03-2025 filed by the writ petitioner with the record of these cases.

List again on 24-04-2025.

JUDGE

GS

Comparing Assistant