

GAHC010257392024



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

Case No. : WP(C)/6561/2024

DHARMEN NAIDU
S/O- LATE DHARMDAS NAIDU,
R/O- PHULBARI TEA ESTATE,
P.O.- BALIPARA, P.S.- CHARIDUAR,
DIST.- SONITPUR, ASSAM,
PIN- 784101.

VERSUS

THE UNION OF INDIA AND 4 ORS
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF INDIA,
MINISTRY OF HEALTH AND FAMILY WELFARE,
NIRMAN BHAWAN, NEW DELHI- 110011.

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

TEZPUR
DISTRICT- SONITPUR

ASSAM
PIN- 784001.

3: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.

4:DR. S. K. DEURI
DIRECTOR
LOKOPRIYA GOPINATH BORDOLOI REGIONAL INSTITUTE OF MENTAL
HEALTH

TEZPUR
SONITPUR
ASSAM
PIN- 784001.

5:DR. H. DUTTA
ASSOCIATE PROFESSOR (ADDICTION MEDICINE)

OFFICER ON SPECIAL DUTY-CUM- I/C DEPUTY DIRECTOR-CUM CHIEF
FINANCE AND ACCOUNTS OFFICER ETC.

LOKOPRIYA GOPINATH BORDOLOI REGIONAL INSTITUTE OF MENTAL
HEALTH

TEZPUR
SONITPUR
ASSAM
PIN- 784001

Advocate for the Petitioner : MR. R P SARMAH, MS M BORAH

Advocate for the Respondent : DY.S.G.I., SC, L G B R I M H

**BEFORE
HONOURABLE MR. JUSTICE NELSON SAILO**

ORDER

Date : -11.12.2024

Heard Mr. R.P. Sarmah, learned Senior Counsel assisted by Ms. M. Borah, learned counsel for the petitioner. By filing this writ petition, the petitioner has challenged the disciplinary proceeding drawn against him by the respondents on account of forming The LGBRIMH Nurses Association.

According to the petitioner the respondent authority is not competent to draw the disciplinary proceedings against the petitioner and moreover, there is no such provision which mandates that prior permission has to be taken from the respondent authority for forming of service Association.

The learned Senior counsel submits that the petitioner had earlier filed the WP(C) No. 2356/2024, but since the paragraphs were jumbled up and therefore, the same was withdrawn by the petitioner on 26.11.2024 with liberty to a fresh. Thereafter, the petitioner has filed the instant writ petition i.e. WP(C) No. 6561/2024.

In view of the above, issue notice of motion returnable by 4 (four) weeks.

Mr. A.K. Dutta, learned standing counsel of LGBRIMH, Tezpur, accept notice on behalf of all the respondents except respondent No.1. Mr. K. Gogoi, learned CGC accept notice on behalf of respondent No.1.

Petitioner to serve requisite extra copies of the writ petition to the learned counsels appearing today.

List the matter again on 27th January, 2025.

JUDGE

Comparing Assistant