

GAHC010263522024



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

Case No. : WP(C)/6685/2024

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

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 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. 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 : MS M BORAH, MR. R P SARMAH

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had earlier filed the WP(C) No. 2356/2024, but since the paragraphs were jumbled up and therefore, the same was withdrawn by the petitioner on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.

Having regard to the fact that an interim order was passed by this Court on 03.05.2024 in the earlier writ petition i.e. WP(C) No. 2356/2024, the disciplinary proceedings drawn against the petitioner in terms of the Office Order dated 04.12.2024 shall remain suspended till the next returnable date.

List the matter again on 27th January, 2025.

JUDGE

Comparing Assistant