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

**Case No. : WP(C)/6404/2025**

SMTI PURNIMA DEY (DAS)
W/O LATE JINTEN CHANDRA DAS, DHAI CHORGULA AYUSHMAN
AROGYA MANDIR SRIBHUMI
R/O HOUSE NO 54, TARAPUR SHIB BARI ROAD, PO TARAPUR, PS SILCHAR,
DIST CACHAR, ASSAM, PIN 788003

VERSUS

THE STATE OF ASSAM AND 5 ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT
OF ASSAM, DEPARTMENT OF HEALTH AND FAMILY WELFARE, ASSAM
CIVIL SECRETARIAT, DISPUR, GUWAHATI, ASSAM, PIN 781006

2:THE DIRECTOR OF HEALTH SERVICES (FW)
ASSAM
HENGRABARI
GUWAHATI
ASSAM
PIN 781036

3:THE JOINT DIRECTOR OF HEALTH SERVICES

SRIBHUMI
ASSAM

4:THE COMMISSIONER AND SECRETARY

TO THE GOVT OF ASSAM
FINANCE DEPARTMENT
JANATA BHAWAN
DISPUR
GUWAHATI 06

5:THE MANAGER

INDIAN BANK (EALB)
HOSPITAL ROAD
SILCHAR BRANCH
DIST CACHAR
ASSAM
PIN 788005

6:THE RECOVERY OFFICER

DEBTS RECOVERY TRIBUNAL
GUWAHATI
SUWARNA BHAWAN
HOUSE NO 12
NEW TOWN PATH
GS ROAD
ULUBARI
GUWAHATI
ASSAM
PIN-78100

**Advocate for the Petitioner** : MR. B PURKAYASTHA, MR. J P BARUAH

**Advocate for the Respondent** : SC, HEALTH, MR. M SHARMA(R5,6),SC, INDIAN BANK,SC, FINANCE

**BEFORE**
**HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI**

**ORDER**

***07.10.2026***

Heard Shri B. Purkayastha, learned counsel for the petitioner. Also heard Shri D. Upamanyu, learned Standing Counsel, Health & Family Welfare Department; Shri A. Chaliha, learned Standing Counsel, Finance Department and Shri M. Sarma, learned Standing Counsel, Indian Bank.

Considering the subject matter involved and as agreed to by the learned counsel for the parties, the instant writ petition is taken up for disposal at the admission stage.

As per the facts projected, the husband of the petitioner had taken a financial assistance from the Indian Bank, Silchar Branch and in that regard, a DRT proceeding was initiated. However, the loanee (husband of the petitioner) had passed away. In the said loan, the petitioner was a guarantor. The DRT, Guwahati had accordingly directed deduction from the monthly salary of the petitioner at the rate of Rs. 16,000/- per month. The petitioner is, however, aggrieved by the fact that the entire salary has been withheld from May, 2024 and accordingly, the writ petitioner has been filed.

Shri Purkayastha, learned counsel for the petitioner has submitted that withholding of the entire salary of the petitioner is neither authorised nor reasonable. He has submitted that though the petitioner was the guarantor, reasonable steps in accordance with law had to be taken for recovery of the loan and in the instant case, when there was a direction for recovery of an amount of Rs. 16,000/- per month, the entire salaries could not have been withheld.

Shri Sarma, learned Standing Counsel, Indian Bank has not opposed to the prayer of the petitioner in principle and is agreeable that the deduction be made at the rate prescribed which is Rs. 16,000/- per month.

Shri Upamanyu, learned Standing Counsel, Health Department has submitted that steps were taken only to ensure that no loss is caused to the public exchequer.

Considering the facts and circumstances, the instant writ petition is disposed of by directing that the monthly salary of the petitioner be paid regularly only by deducting Rs. 16,000/- per month till such time when the loan amount is liquidated. The amount already withheld be adjusted with the loan which is sought to be liquidated.

**JUDGE**

**Comparing Assistant**