



CGHC010183592026



2026:CGHC:44093

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 4059 of 2026

Parvati Sahu W/o Late Ganga Ram Sahu Aged About 55 Years R/o New Changora Bhata, Shitla Mandir, Ward No. 67, Raipur, District- Raipur (C.G.)

Petitioner(s)

Versus

1 - The State Of Chhattisgarh Through The Secretary, Department Of Health And Family Welfare, New Mantralaya, Mahanadi Bhawan, Nava Raipur, Atal Nagar, Raipur (C.G.)

2 - The Director Department Of Medical Education, Old Nurses Hostel, Dks Bhawan, Raipur (C.G.)

3 - Dean, Pt. Jawahar Lal Nehru Memorial Medial College, Raipur (C.G.)

4 - Joint Director Directorate Of Treasury Accounts And Pension District- Raipur (C.G.)

5 - Secretary Department Of Finance, Government Of Chhattisgarh, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nava Raipur, Raipur, District- Raipur (C.G.)

Respondent(s)

(Cause-title is taken from CIS)

For Petitioner(s) : Mr. Akash Kumar Kundu, Advocate

For Respondent(s) : Mr. Soumitra Kesharwani, PL

(HON'BLE SHRI JUSTICE BIBHU DATTA GURU)

Order on Board

12.10.2026

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1. Learned counsel for the parties jointly submits that the issue involved in this writ petition has already been considered and decided by the Coordinate Bench of this Court vide judgment dated 31.05.2024 passed in WPS No. 1453 of 2021 and other connected matters, wherein the Coordinate Bench of this Court held as under:-

“18. Thus, the point No.1 is answered in favour of the petitioners by directing the respondents to fix the pension/family pension of the petitioners as per the last drawn salary and all other permissible retiral dues within 3 months from the date of receipt of copy of this order.

19. As per the Recruitment Rules of 1989, the Dean Medical College was the appointing authority and as such, it was not required to the Dean Medical College to get approval of the Promotion order of the petitioners as the recruitment rules which has statutory force do not provide any such procedure for getting approval from the Secretary of the department. Rule 20 of the said rule provides power of relaxation which is lying with the His Excellency, the Governor. There is no such provision has been placed on record even the relaxation power has been delegated to the Secretary Medical Education or the Director Medical Education, therefore, in these circumstances it was not required for the Dean Medical College, Raipur to send the matter for approval to the Secretary. Thus, the issuance of memo dated 25.01.2023 and 23.03.2023 have no relevancy on the issue. Accordingly, the point No. 2 is decided in favour of the petitioners by holding that the Secretary, Medical Education or the Director, Medical Education has no role to play in appointment of the petitioners being Class III and Class IV employees whose appointing authority is the Dean, Medical College.

20. Accordingly, the Writ Petitions deserve to be and are hereby

allowed in terms of the directions given in penultimate paragraphs.”

2. Having considered the submissions made by learned counsel for the parties and having gone through the materials available on record, it is evident that the facts and issue involved in this petition is identical to WPS No. 1453 of 2021, this Court deems it appropriate not to take a view other than what has been taken in the aforesaid.

3. Accordingly, the present petition is allowed in terms of the order dated 31.05.2024 passed in WPS No. 1453 of 2021.

Sd/-

(BIBHU DATTA GURU)

JUDGE