

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 598 of 2015**

Smt. Shubhra Beny Baby W/o Beny Baby, Aged About 37 Years Ex Staff Nurse, Employees State Insurance Services Jamul / Nandini Road, Centre, Bhilai, District Durg Chhattisgarh

---- Appellant**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Labour, Mantralaya, Mahandi Bhawan, New Raipur Chhattisgarh
2. The Director Employees State Insurances Services, Indrawati Bhawan, New Raipur District Raipur Chhattisgarh
3. The Insurance Medical Officer Employee State Insurance Services, Jamul/ Nandini Road, District Durg, Chhattisgarh

---- Respondents**Writ Appeal No. 601 of 2015**

Smt. Vernika Louis (Vernika Singh) W/o Shri R. Louis, Aged About 44 Years Ex Staff Nurse, Employees State Insurance Services, Urla Centre, District Raipur Chhattisgarh

---- Appellant**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Labour, Mantralaya, Mahandi Bhawan, New Raipur Chhattisgarh
2. The Director, Employees State Insurances Services, Indrawati Bhawan, New Raipur District Raipur Chhattisgarh
3. The Insurance Medical Officer, Employee State Insurance Services, Urla Centre, Raipur, District Raipur Chhattisgarh

---- Respondents**Writ Appeal No. 605 of 2015**

Smt. Anupama Deep (Anupama Jofer) W/o Shri Manoj Deep, Aged About 47 Years Ex Staff Nurse, Employees State Insurance Services, Champa Centre Champa, District Janjgir Champa Chhattisgarh

---- Appellant**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Labour, Mantralaya, Mahanadi Bhawan, New Raipur Chhattisgarh

2. The Director Employees State Insurances Services, Indrawati Bhawan, New Raipur District Raipur Chhattisgarh
3. The Insurance Medical Officer Employee State Insurance Services, Champa Centre, Champa, Dist Janjgir - Champa Chhattisgarh

---- Respondents

Writ Appeal No. 638 of 2015

Ghanshyam Jangade S/o Shri Roshan Lal Jangade, Aged About 34 Years R/o Shankar Nagar, Khamhardih, Raipur, Tahsil & District Raipur, (Chhattisgarh)

---- Appellant

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Labour, Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur, (Chhattisgarh)
2. The Director, Employee State Insurance Service, Directorate Indrawati Bhawan, Taigore Nagar, Raipur, District Raipur, (Chhattisgarh)
3. The Employee State Insurance Service, Janjgir Champa, District Janjgir Champa, (Chhattisgarh)

---- Respondents

For Appellants	:	Shri V.V.S.Murthy, Senior Advocate with Shri Shantanu Kumar and Shri Bharat Rajput, Advocates.
For Respondent/State	:	Shri B. Gopa Kumar, Deputy Advocate General.

Hon'ble Shri Navin Sinha, Chief Justice
Hon'ble Shri P. Sam Koshy, J.

Judgment on Board

Per Navin Sinha, Chief Justice

17/12/2015

1. IA No. 1 of 2015 has been filed in Writ Appeal No. 638 of 2015 to condone delay of 16 days in preferring the appeal. Considering the duration and also that we have already allowed similar appeals on questions of law only, in the interest of justice, delay is condoned.
2. The present appeals arise from common order dated 28.9.2015 dismissing Writ Petition (S) No. 204 of 2015 and analogous cases which includes the writ petitions filed by the present Appellants.

3. The controversy relates to appointment on the post of Staff Nurse and Assistant Grade III. The enquiry report of the Respondents referred to in the order of the Learned Single Judge itself mentioned that the vacancy stated in the advertisement could increase also.

4. We have already considered and allowed Writ Appeal No. 599 of 2015 by a reasoned order following which Writ Appeal No. 609 of 2015 and 600 of 2015 have also been allowed.

5. The conclusions in law, arrived at by us were that show cause notice given was vague, reply furnished had not been considered and the final order of termination was at variance with the grounds in the show cause notice. It was further held that even if the Appellants were probationers and the order of removal was couched in an innocuous language lifting the veil revealed that it was punitive and stigmatic in nature, the foundation being an illegal appointment, and therefore unsustainable. The order of termination has been set aside but without prejudice to the rights of the Respondents afresh in accordance with law.

6. The present appeals are allowed for like reasons and in similar terms.

Sd/-

(Navin Sinha)
CHIEF JUSTICE

Sd/-

(P. Sam Koshy)
JUDGE