

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 600 of 2015**

Smt. Sandhya Singh W/o Shri Akhishlesh Singh, Aged About 39 Years
R/o House No. 91, Smriti Nagar, Apollo Hospital Road, Nehru Nagar,
P.S. Supela Bhilai Civil & Revenue District Durg Chhattisgarh

---- Appellant**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Labour, Mahanadi Mantralaya, Naya P. O. & P. S. Naya Raipur, District Raipur (Chhattisgarh)
2. The Director, Employee State Insurances Services, Directorate, D 290/5, Tagore Nagar, Raipur (Chhattisgarh)
3. The Superintendent, Employee State Insurance Services Hospital, Rajnandgaon (Chhattisgarh)

---- Respondents

For Appellant:	Shri VVS. Murthy, Senior Advocate along with Shri Shantanu Kumar, Advocate.
For Respondents/State:	Shri B. Gopa Kumar, Dy. Advocate General.

Hon'ble The Chief Justice
Hon'ble Shri Justice P. Sam Koshy
Order On Board

Per **Navin Sinha, Chief Justice**

15/12/2015

1. The present appeal arises from order dated 28.09.2015 dismissing Writ Petition (S) No. 235 of 2015 and analogous cases.
2. The present appeal shall also be governed by the discussions made in Writ Appeals No.599/2015 and 609/2015.
3. The Appellant herein was an applicant for the post of Aaya in advertisement dated 14.11.2001. The qualification was Class-8 pass. Column-5 of the advertisement provided 8 posts jointly for Ward Sevak/Peon/Aaya/Chowkidar/Cleaner (Grade-IV).

4. The inquiry report noticed in Paragraph XIV opines that against the sanctioned posts of Cleaner, Ward Sevak had been appointed. It makes no reference to any invalid appointment of an Aaya. It is the case of the Appellant that she alone was appointed on the post of an Aaya.

5. The show cause notice dated 21.7.2008 issued to the Appellant was duly replied on 4.8.2008 denying any illegality in the appointment.

6. For like reasons as discussed in Writ Appeals No.599/2015 and 609/2015, the present appeal also has to be allowed but without prejudice to the rights of the Respondents afresh in accordance with law.

Sd/-
(Navin Sinha)
CHIEF JUSTICE

Sd/-
(P. Sam Koshy)
JUDGE