

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 609 of 2015**

Purnima Dhruv D/o Shri Bala Ram Dhruv, Aged About 30 Years
Occupation Staff Nurse, R/o Village Daterenga, Post Sejbahara, P.S.
Tikarapara, Tahsil & District Raipur, (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 Bharat Rajput , 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. I.A. No.1/2015 has been filed for condoning delay of 8 days in preferring the appeal.
2. Considering the duration, it is allowed. Delay is condoned.
3. The present appeal arises from order dated 28.09.2015 dismissing Writ Petition (S) No. 249 of 2015 and analogous cases.
4. We have already passed a detailed order today arising out of common order dated 28.9.2015 in Writ Appeal No.599/2015. The discussions contained therein shall also govern the present appeal except for noticing the relevant facts of the present case. The

Appellant herein was a candidate for a post of Staff Nurse under advertisement dated 15.6.2003. The show cause notice dated 21.7.2008 in this case also simply stated that the appointment was contrary to the prescribed procedure and standards, thus illegal and irregular. No details were spelt out. Another show cause notice dated 23.10.2008 was issued in similar terms as noticed by us in Writ Appeal No.599/2015. The Appellant filed her reply on 11.11.2008 denying the allegations.

5. The Learned Single Judge referring to the inquiry report dated 9.2.2007 at paragraph – 18 sub para-6 of the judgment, observed that there were only two posts of Staff Nurse whereas nine appointments had been made to arrive at the conclusion of appointments in excess of advertised vacancies.

6. We have gone through the inquiry report again and find that paragraph 2.2 (2) mentions 8 advertised posts for Staff Nurse in the advertisement of 2003. The Appellant figured at Sl. No.3 of the Panel dated 22.8.2003.

7. In the circumstances, for like reasons as discussed in Writ Appeal No.599/2015, the order of termination being in common language, 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