

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 1513 of 2007**

Dr. R.H.Mishra s/o Late H.P.Mishra, Aged about 55 years, Senior Medical Officer, District Hospital, Dhamtari, District Dhamtari, Chhattisgarh.

---- Petitioner**Versus**

1. State of Chhattisgarh, Through the Secretary, Health and Family Welfare Department, DKS Bhawan, Raipur, Chhattisgarh.
2. The Under Secretary, State of Chhattisgarh, Health and Family Welfare Department, DKS Bhawan, Raipur, Chhattisgarh.
3. The Collector, Dhamtari, District Dhamtari, Chhattisgarh.
4. Shri K.S.Shandilya, Civil Surgeon cum Chief Hospital Superintendent, District Hospital, Dhamtari, Chhattisgarh.

---- Respondents

For Petitioner	: Shri P.R.Patankar, Advocate.
For Respondents/State	: Smt. Smita Ghai, Panel Lawyer

Hon'ble Shri Navin Sinha, Chief Justice**Order on Board****07/04/2016**

1. Heard Learned Counsel for the Petitioner and the State.
2. The Petitioner was earlier visited with punishment for stoppage of two increments with cumulative effect which is a major punishment. Subsequently, in appeal, it has been reduced to stoppage of one increment with non-cumulative effect which is a minor punishment. The effect of the two punishments are different.
3. The candidature of the Petitioner for regular promotion to the post of Civil Surgeon is therefore now required to be re-worked according to the rules in view of the nature of minor punishment imposed. The fact that the Petitioner may have worked on the post of Civil Surgeon by virtue of interim order will naturally merge

into the final order. Since the Petitioner is scheduled for superannuation on 30th June, 2016, the Respondents are directed to re-work and reschedule the date of promotion as Civil Surgeon before his superannuation so that no further complications arise with regard to his retiral benefits.

4. The writ petition stands disposed.

Sd/-

(Navin Sinha)
CHIEF JUSTICE

Amit