

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.C.C. No.17 of 2016**

Purnima Dhruw W/o Shri Bala Ram Dhruv aged about 30 years Occupation Aaya (wrongly mentioned as Staff Nurse) resident of Village Daterenga Post Sejbahara P.S. Tikarapara Tahsil & District Raipur Chhattisgarh

---- Applicant**Versus**

1. State of Chhattisgarh through the Secretary Department of Labour Mahanadi Mantralaya Naya P.O. and 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 Applicant	:	Shri Bharat Rajput, Advocate.
For Respondent/State	:	Shri B. Gopa Kumar, Deputy Advocate General.

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

Order on Board**Per Navin Sinha, Chief Justice****13/01/2016**

1. This application has been filed for modification of the cause-title of the order dated 15.12.2015 in Writ Appeal No. 609 of 2015 with regard to Respondent No. 3 substituting it by the Insurance Medical Officer, Employee State Insurance Services, Raipur Centre, District Raipur in place of the Superintendent, Employee State Insurance Services Hospital, Rajnandgaon, Chhattisgarh as mentioned in the cause-title as also the designation of the Petitioner as 'Aaya' instead of 'Staff Nurse' and vacancy of class IV post as '5' instead of '8'.

2. Learned Counsel for the Petitioner submits that an error occurred in the cause-title of Writ Petition (S) No. 249 of 2015 itself and was repeated inadvertantly in writ appeal also. It is next submitted that similarly by inadvertance in the writ petition and also in the writ appeal, designation of the Petitioner has been mentioned as 'Staff Nurse' instead of 'Aaya' and vacancy of Class IV posts as '5' instead of '8'.

3. Learned Counsel for the State submits that any modification of the cause-title by substituting the concerned Respondent at Raipur instead of Rajnandgaon may have different implications as the Court had considered the matter in light of the concerned Respondent being located at Rajnandgaon. The Court had no occasion to consider the matter in the background of the concerned Respondent being located from Raipur. Similar submission is made with regard to the other modifications sought for.

4. Upholding the objection on behalf of the State, it is observed that if the Petitioner furnishes a copy of the order in Writ Appeal No. 609 of 2015 before the Insurance Medical Officer, Employee State Insurance Services, Raipur Center, District Raipur, the authority is at liberty to verify and satisfy itself with regard to applicability of the order in the Writ Appeal to it and then proceed in accordance with law. If the authority concerned is not satisfied and is of the opinion that the order relates to the authority at Rajnandgaon or that the factual situation is different on the other aspects as discussed, he is at liberty to record his opinion in writing to that effect.

5. The application stands disposed.

Sd/-
(Navin Sinha)
CHIEF JUSTICE

Sd/-
(P. Sam Koshy)
JUDGE