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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 2139 of 2016**

Dr. Abhishek S/o Shri Chhabilal Aged About 33 Years R/o C/o C.L. Ramteke, Opposite Rajhara Timber Mart, Main Road, Chikhalakasa, Dalli Rajhara District Balod Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Health And Family Welfare Department, Mahanadi Bhawan, Naya Raipur Chhattisgarh
2. The Commissioner, Health Services, Indrawai Bhawan, New Raipur Chhattisgarh
3. The Director, Health Services, Indrawati Bhawan, New Raipur Chhattisgarh
4. The Director, Medical Education Old Nurses Hostel, D.K.S. Bhawan, Compound, Raipur Chhattisgarh
5. The Dean, Pt. Jawaharlal Nehru Memorial Medical College, Raipur Chhattisgarh
6. The Chief Medical and Health Officer, District Balod Chhattisgarh

--- Respondents

AND**Writ Petition (S) No. 2223 of 2016**

Dr. Suresh Kumar Khute, S/o Shri Sudharam Khute, aged about 36 years, presently posted and working as Medical Officer, Primary Health Center, Sarsiwan, Bilaigarh, District Baloda Bazar-Bhatapara (CG).

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Health And Family Welfare Department, Mahanadi Mantralaya, Naya Raipur, Post Office & Police Station Naya Raipur, District Raipur.
2. Under Secretary, Department of Health and Family Welfare,

Mahanadi Mantralaya, Naya Raipur, Post Office & Police Station
Naya Raipur, District Raipur (CG).

3. Director, Medical Education, DKS Bhawan, Raipur, District Raipur.
4. Commissioner, Health Services, Indrawati Bhawan, Naya Raipur, Post Office and Police Station Naya Raipur, District Raipur (CG).
5. Chief Medical & Health Officer, District Baloda Bazar-Bhatapara (CG).
6. Block Medical Officer, Bilaigarh, District Baloda Bazar-Bhatapara (CG).

--- Respondents

AND

Writ Petition (S) No. 2219 of 2016

Dr. Umesh Kumar Sonwani, S/o Shri J.L. Sonwani, aged about 38 years, presently posted and working as Insurance Medical Officer, Hathkhoj Dispensary, Bhilai, District Durg (CG).

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Health And Family Welfare Department, Mahanadi Mantralaya, Naya Raipur, Post Office & Police Station Naya Raipur, District Raipur.
2. Under Secretary, Department of Health and Family Welfare, Mahanadi Mantralaya, Naya Raipur, Post Office & Police Station Naya Raipur, District Raipur (CG).
3. Director, Medical Education, DKS Bhawan, Raipur, District Raipur.
4. Commissioner, Health Services, Indrawati Bhawan, Naya Raipur, Post Office and Police Station Naya Raipur, District Raipur (CG).
5. Chief Medical & Health Officer, District Durg (CG).
6. Block Medical Officer, Bhilai, District Durg.

--- Respondents

AND

Writ Petition (S) No. 2216 of 2016

Dr. Banshi Lal Tulavi, S/o T.R. Tulavi, aged about 37 years, presently posted and working as Medical Officer, Community Health Center Ghumka, District Rajnandgaon (CG).

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through The Secretary, Health And Family Welfare Department, Mahanadi Mantralaya, Naya Raipur, Post Office & Police Station Naya Raipur, District Raipur.
2. Under Secretary, Department of Health and Family Welfare, Mahanadi Mantralaya, Naya Raipur, Post Office & Police Station Naya Raipur, District Raipur (CG).
3. Director, Medical Education, DKS Bhawan, Naya Raipur, Post Office & Police Station Naya Raipur, District Raipur.
4. Commissioner, Health Services, Indrawati Bhawan, Naya Raipur, Post Office and Police Station Naya Raipur, District Raipur (CG).
5. Chief Medical & Health Officer, District Rajnandgaon (CG).
6. Block Medical Officer, Ghumka, District Rajnandgaon (CG).

--- **Respondents**

AND

Writ Petition (S) No. 2229 of 2016

Dr. (Smt.) Sushma Maheshwari, W/o Shri Rajendra Maheshwari, aged about 44 years, presently posted and working as Medical Officer, Civil Hospital, Bhatapara, District Baloda Bazar- Bhatapara (CG).

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through The Secretary, Health And Family Welfare Department, Mahanadi Bhawan Mantralaya, Naya Raipur, Post Office & Police Station Naya Raipur, District Raipur.
2. Under Secretary, Department of Health and Family Welfare, Mahanadi Bhawan Mantralaya, Naya Raipur, Post Office & Police Station Naya Raipur, District Raipur (CG).
3. Director, Medical Education, DKS Bhawan, Naya Raipur, Post Office & Police Station Naya Raipur, District Raipur.
4. Commissioner, Health Services, Indrawati Bhawan, Naya

Raipur, Post Office and Police Station Naya Raipur, District Raipur (CG).

5. Chief Medical & Health Officer, District Baloda Bazar-Bhatapara (CG).
6. Block Medical Officer, Bhatapara, District Baloda Bazar-Bhatapara (CG). **--- Respondents**

AND

Writ Petition (S) No. 2215 of 2016

Dr. Harish Kumar Chauhan, S/o Shri Rajeev Chauhan, aged about 34 years, presently posted and working as Medical Officer, Primary Health Center, Kochvai, District Gariyaband (CG). **---- Petitioner**

Versus

1. State Of Chhattisgarh Through The Secretary, Health And Family Welfare Department, Mahanadi Mantralaya, Naya Raipur, Post Office & Police Station Naya Raipur, District Raipur.
2. Under Secretary, Department of Health and Family Welfare, Mahanadi Mantralaya, Naya Raipur, Post Office & Police Station Naya Raipur, District Raipur (CG).
3. Director, Medical Education, DKS Bhawan, Naya Raipur, District Raipur.
4. Commissioner, Health Services, Indrawati Bhawan, Naya Raipur, Post Office and Police Station Naya Raipur, District Raipur (CG).
5. Chief Medical & Health Officer, District Gariyaband (CG).
6. Block Medical Officer, Gariyaband (CG). **--- Respondents**

For Petitioner : Shri V.R.Tiwari and Shri P.P. Sahu,
Advocates for respective petitioner
For State : Shri Gary Mukhopadhyay, Dy.G.A.

Hon'ble Shri Justice Sanjay K. Agrawal
Order On Board

17/11/2016

(1) Heard.

(2) These petitions have been filed by the petitioners-Doctors

stating that they are regular government employees and by the impugned order dated 25.05.2016 (Annexure P/1) passed by respondent No.2 i.e. Under Secretary, Department of Health & Family Welfare, Raipur, they have been posted under Chhattisgarh Civil Services (Contract Appointment) Rules, 2012 as contract employees after completion of Post Graduate Course, which is illegal and bad in law.

(3) Learned counsel for the State has filed return along with affidavit on 03.08.2016 & 19.09.2016 stating that the State Government has modified the earlier impugned order dated 25.05.2016 (Annexure P/1) by the order dated 25.07.2016 (Annexure R/1).

(4) An additional affidavit has been filed by the State Government on 15.11.2016 stating as in para- 4:-

4. That, in compliance of the aforesaid order of the Hon'ble Court, the deponent respectfully submits as under:-

a. That, from a bare perusal of the orders dated 25.05.2016 and 25.07.2016, it would be evident that the word "Chhattisgarh Civil Services (Contract Appointment) Rules, 2012" has been mentioned as in the amended order dated 25.07.2016, the contents of the earlier order dated 25.05.2016 has been reproduced. However, it is submitted that no contractual appointee can be transferred and the petitioner is a regular government employee.

b. That, so far as the effect of bond signed by the petitioners is concerned, in this regard, it is submitted that the bond has been signed from the petitioner to render his services in the rural areas and the

petitioner, being a regular government employee, is duty bound to obey the same.

c. That, as the petitioner is a regular government employee, but, inadvertently, vide order dated 25.05.2016, the petitioner has been treated as contractual employee. However, when this anomaly came to the knowledge of the State, the same has been rectified because the petitioner is a regular government employee and after passing of the order dated 25.07.2016, the petitioner has been treated as a regular government employee and accordingly the salary has been duly paid to him.

(5) Learned counsel appearing for the petitioners submit that in view of the additional affidavit filed by the State Government on affidavit, at present, no cause of action survives in the present writ petitions and as such, the writ petitions have become infructuous but liberty may be granted to the petitioners, if any cause of action arises in future, they may revive the petition.

(6) The additional affidavit of the State Government is taken on record.

(7) Accordingly, the writ petitions are closed as having become infructuous. However, the petitioners are at liberty to file fresh writ petition, if any cause of action arises in future.

Sd/-

(Sanjay K. Agrawal)
Judge

L/-