

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WPS No. 1355 of 2017**

- Dr. Krishan Mohan Gupta S/o Late Har Charan Lal, Aged About 61 Years Working as Assistant Professor (Medicine) at Late Shri B. R. K. Memorial Government Medical College, Jagdalpur, District Bastar (Chhattigarh).

**---- Petitioner**

**Versus**

1. State Of Chhattisgarh Through Its Secretary, Department of Health and Family Welfare, Ministry at Mahanadi Bhawan, New Raipur, P. S. Rakhi, District Raipur (Chhattisgarh).
2. The Director, Directorate Medical Education, Old Nurses Hostel, D K S Bhawan Premises, Raipur, District Raipur (Chhattisgarh).
3. The Director, Directorate Health Services Block -1, 3rd Floor, Indrawati Bhawan, Naya Raipur, District Raipur (Chhattisgarh).
4. The Dean, Late Shri B R K Memorial Government Medical College, Jagdalpur, District Bastar (Chhattisgarh).
5. The Joint Director Cum Superintendent, Late Shri B R K Memorial Government Medical College, Jagdalpur, District Bastar (Chhattisgarh).

**---- Respondent**

**And**

**WPS No. 1359 Of 2017**

- Dr. Vivek Kumar Joshi S/o Shri G. S. Joshi, Aged About 57 Years Working As Assistant Professor (Surgery ) At Late Shri B. R. K. Memorial Government Medical College, Jagdalpur, District Bastar (Chhattigarh).

**---- Petitioner**

**Vs**

1. State Of Chhattisgarh Through Its Secretary, Department Of Health And Family Welfare, Ministry At Mahanadi Bhawan, New Raipur, P. S. Rakhi, District Raipur (Chhattisgarh).
2. The Director, Directorate Medical Education, Old Nurses Hostel, D K S Bhawan Premises, Raipur, District Raipur (Chhattisgarh).
3. The Director, Directorate Health Services Block -1, 3rd Floor,

Indrawati Bhawan, Naya Raipur, District Raipur (Chhattisgarh).

4. The Dean, Late Shri BRK Memorial Government Medical College, Jagdalpur, District Bastar (Chhattisgarh).
5. The Joint Director cum Superintendent, Late Shri B R K Memorial Government Medical College, Jagdalpur, District Bastar (Chhattisgarh).

**---- Respondents**

**And**

**WPS No. 1360 Of 2017**

- Dr. (Smt.) Jyoti Gupta, W/o Dr. Krishan Mohan Gupta, Aged About 61 Years, working as Associate Professor (Surgery) At Late Shri B.R.K. Memorial Government Medical College, Jagdalpur, District- Bastar, Chhattisgarh

**---- Petitioner**

**Vs**

1. State Of Chhattisgarh Through Its Secretary, Department Of Health And Family Welfare, Ministry At Mahanadi Bhawan, New Raipur, P.S.- Rakhi, District- Raipur, Chhattisgarh
2. The Director, Directorate Medical Education, Old Nurses Hostel, DKS Bhawan Premises, Raipur, District- Raipur, Chhattisgarh
3. The Director, Directorate Health Services Block-1, 3rd Floor, Indrawati Bhawan, Naya Raipur, District- Raipur, Chhattisgarh
4. The Dean Late Shri Brk Memorial Government Medical College, Jagdalpur, District- Bastar, Chhattisgarh
5. The Joint Director Cum Superintendent, Late Shri BRK Memorial Government Medical College, Jagdalpur, District- Bastar, Chhattisgarh

**---- Respondents**

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For Petitioners  
For Respondent-State

Shri R. K. Jha, Advocate  
Shri Shashank Thakur, GA

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**Hon'ble Shri Justice Prashant Kumar Mishra**

**Order On Board**

**03/05/2017**

1. Petitioners are employees of the Department of Health and Family Welfare, Government of Chhattisgarh. At the time of opening of the medical college at Jagdalpur, their services were temporarily handed over to the Director, Medical Education and they were deployed in the Medical College Hospital, Jagdalpur. However, since thereafter, the set up of Medical College Hospital, Jagdalpur has been accomplished and the needed manpower belonging to the Directorate of Medical Education has been posted at the said college, therefore, the petitioners are repatriated or sent back to their parent department i.e. the Department of Health and Family Welfare, Government of Chhattisgarh.
2. Referring to the document (Annexure-P-4) dated 03.04.2007 and the observation made by this Court in WPS No.806/2014, it is argued that the proposal for absorption of the services of the petitioners in the Department of Medical Education is pending consideration before the State Government, therefore, till the matter is considered by the State Government, the Directorate of Medical Education cannot take unilateral decision to send back the petitioners to their parent department.
3. Considering the entire issue including the document (Annexure-P-4) as well as the fact that the set up of Medical College Hospital, Jagdalpur is already complete, ends of justice would be served if the State Government is directed to decide the issue of absorption of the petitioners' services in the Medical College Hospital, Jagdalpur by a reasoned order within a period of 6

weeks from today.

4. Till the State Government decides the issue or for a period of 6 weeks, whichever is earlier, the petitioners shall not be relieved from the Medical College Hospital, Jagdalpur.
5. Accordingly, all the writ petitions are disposed of.
6. It is made clear that this Court has not expressed any opinion on the merits of the case and the respondent authorities shall decide the matter, on its own merits, strictly in accordance with law, without treating any observation made in this order, as opinion on the merits of the case.

Sd/-

JUDGE

PRASHANT KUMAR MISHRA

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