

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (S) NO. 6775 OF 2016

Stanly David, aged about 32 years, S/o Late Shri Narbut David, occupation-unemployed, R/o near FCI Godown, Railway Station, Main Road, Bishrampur, District Surajpur (C.G.)

... Petitioner

Versus

1. State of Chhattisgarh, through the Secretary, Department of Medical and Health Services, Mahanadi Bhawan, New Raipur (C.G.)
2. The Secretary, Department of General Administration, New Mantralaya, Mahanadi Bhawan, Raipur (C.G.)
3. The Joint Director, Directorate, Health Services, State of Chhattisgarh, Raipur (C.G.)
4. Collector, District Gariyaband (C.G.)
5. Chief Medical and Health Officer, District Gariyaband (C.G.)
6. Chief Medical and Health Officer, District Korba (C.G.)

... Respondents

For Petitioner	:	Mr. A.N. Bhakta, Advocate.
For Respondents	:	Mr. Prasun Bhaduri, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

13/01/2017

1. The present writ petition under Article 226/227 of the Constitution of India has been preferred by the Petitioner, seeking for a direction to the Respondents to consider the case of the Petitioner for grant of compassionate appointment on the post of Assistant Grade-III or he may be given any other post in the department instead of the post of Sweeper which was offered to him.
2. Learned Counsel for the State at this juncture refers to the policy of the State Government wherein it has been emphatically held that once if an applicant has been granted employment on a particular post, his request for change of post or for higher post would not be considered, and thus the Petitioner does not have any right.

3. Learned Counsel for the Petitioner submits that on subsequent instructions sought from the Petitioner, he is now ready to even accept the post of Sweeper to which an order of appointment in his favour was issued on 21.5.2015, but because of the fact that he was trying for a better post in the department, he did not accept the order of appointment. Counsel for the Petitioner further submits that as of now the matter may be referred to the Chief Medical and Health Officer, who, in turn, may consider the case of the Petitioner after due verification of the fact as to whether the vacancy still survives or not and in case, if the vacancy survives, whether the Respondent No.5 can consider the case of the Petitioner for grant of further time to act upon the order of appointment issued on 21.5.2015.

4. The present writ petition in the light of the factual matrix of the case is disposed of, with a direction to Respondent No.5, to consider the case of the Petitioner for extension of time to act upon the order of appointment dated 21.5.2015 in case, if the vacancy still exists.

5. It is made clear that, in case, if the post has been exhausted by the authorities after the order of appointment dated 21.5.2015 has been passed, then the Petitioner may be intimated suitably by the Respondent No.5.

6. With the aforesaid observations, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge