

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 4177 of 2013**

- Dr. Santosh Kumar Sahu S/o Nathmal Prasad Sahu Aged About 36 Years
By Caste Teli, R/o Gram Panchayat Jalap, Thana Pithora, Tahsil & Distt.
Mahasamund C.G.

---- Petitioner**Versus**

1. The State of Chhattisgarh Through Its Secretary, Health And Family Welfare
Department, Mantralaya, Naya Raipur C.G.
2. District Ayurved Officer, Raigarh C.G.

---- Respondents

For Petitioner	:	Shri Parag Kotecha, Advocate
For Respondents-State	:	Ms. K. Tripti Rao, PL for the State

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****10/05/2017**

1. Petitioner would assail the order Annexure P-4, whereby the District
Ayurved Officer, Raigarh has rejected his representation for appointment as
Ayurved Health Officer on contract basis.
2. Petitioner was initially appointed as Ayurved Health Officer on 18.08.2003
and he continued till 07.04.2011 when he was relieved by the District
Ayurvedic Officer, Raigarh to join at Government Ayurvedic Hospital,
Lendra. At Lendra, the petitioner continued up to 11.04.2011 and thereafter
his service came to end by efflux of time as the contract appointment was
valid only till 11.04.2011. In WPS No.56/2013, the petitioner prayed for
salary as well as continuation as contract appointee on the post of
Ayurvedic Health Officer. This Court directed the petitioner to make a

representation, which was subsequently rejected vide impugned order Annexure P-4.

3. It is argued that 171 posts of Ayurvedic Health Officer is lying vacant throughout the State as is clear from Annexure P-5, therefore, the petitioner is entitled to be adjusted on any of the vacant post.
4. Contract appointments are governed under the Rules named as the Chhattisgarh Civil Sewa (Samvida Niyukti) Niyam, 2012 (for short 'the Niyam, 2012'). Petitioner's representation has been rejected quoting Rules 4 & 5 of the Niyam, 2012, which in turn finds reference in Rule 11 thereof. It provides that in the matter of contract appointment of retired government servant, contract appointment being given as a special case on the basis of their special experience, exemplary service record and evaluation of performance, the period of contract appointment may be for a period of five years, which may be extended by the State Government for a further period maximum upto five years with further stipulation that the contract appointment shall stand terminated on expiry of the period of the contract appointment and there shall be no need to issue separate order terminating the service.
5. Having considered petitioner's submission on the anvil of the Niyam, 2012, this Court is of the considered view that a direction to appoint an individual on contract basis is not within the domain of the writ Court as appointment is governed under the Niyam, 2012. Merely because posts are vacant in different districts of the State, this Court will not act as an appointing authority to direct issuance of appointment order or consideration of the case *de hors* the Niyam, 2012.
6. Resultantly, the writ petition has no substance, it deserves to be and is

hereby dismissed, however, as and when advertisement is issued for contract appointment or for regular service, the petitioner would be at liberty to participate in the same.

Sd/-

Judge

Prashant Kumar Mishra

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