

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (S) No. 3952 of 2015

- 1. S.D. Sharma, aged about 61 years, S/o Late Shri Deodhar Sharma, Block Extension Training Officer (B.E.T.O.), R/o- 185 Harshrinagar Rajkishore Nagar, Bilaspur P.S. : Masturi, District- Bilaspur (C.G.)
- 2. R.N. Rajpoot, aged about 56 years, S/o Shri U.S. Rajpoot, Block Extension Training Officer (B.E.T.O.), R/o- E-3, F.W. Training Centre Campus, Seepat Road, Sarkanda, P.S.: Sarkanda, District Bilaspur (C.G.)
- 3. P.R. Verma, aged about 59 years, S/o Shri K.N. Verma, Block Extension Training Officer (B.E.T.O.), R/o Shubhash Nagar, Goudpara, Old Maharashtra Bank Building, P.S. : City Kotwali, District Bilaspur (C.G.)

---- Petitioners

Versus

- 1. State of Chhattisgarh through Its Secretary Health and Family Welfare Department, Mantralaya Mahanadi Bhawan, Naya Raipur, District Raipur (C.G.)
- 2. The Commissioner, Health and Family Welfare Department, Raipur, District Raipur (C.G.)
- 3. The Director, Health Services, Directorate of Health Services, Indrawati Bhawan, Naya Raipur, District Raipur (C.G.)
- 4. Divisional Joint Director, Health Services, Department of Health Services, Bilaspur, District Bilaspur (C.G.)

---- Respondents

For Petitioners	:	Shri Mateen Siddiqui, Advocate
For State/Respondents1	:	Shri Prafull Bharat, Additional Advocate General

Hon’ble Shri Thottathil B. Radhakrishnan, Chief Justice
Hon’ble Shri P. Sam Koshy, Judge

Order on Board

Per, Thottathil B. Radhakrishnan, Chief Justice

19/04/2017

1. We have heard the learned counsel for the Petitioners and the learned Additional Advocate General.
2. It is profitable to read the following from the order minted by this Court on 11.7.2016:-

“The main grievance of the petitioners is with regard to confusion caused by entries No. 20 and 21 of Schedule-IV of the Chhattisgarh Health and Family Welfare Department Non-ministerial Para-Medical and Nursing (Directorate Health Services) Class-III Service Recruitment Rules, 2013. Entries No. 20 and 21 read as follows:-

Mode of Promotion and Essential Experience

Sl No.	Name of the Post from which promotion is to be made	Name of the post in to which promotion is to be made	Essential experience and qualification	Department Promotion Committee
1	2	3	4	5
1.	xxx	xxx	xxx	xxx
2.	xxx	xxx	xxx	xxx
20.	Health education extension officer	(1) Block Extension Edducator (B.E.E.) (2) Senior Health Inspector	5 years services experience	Do
21.	(1) Block Extension Educator (B.E.E.)	Health Education Extension Officer	5 years services experience	do

	(2) Senior Health Inspector			
--	-----------------------------	--	--	--

We are prima-facie of the view that there is clear-cut ambiguity because post of Health Education Extension Officer is feeder category for filling up the post of Block Extension Educator (B.E.E.) and Senior Health Inspector under item No. 21, but for these two posts it become the promotional post under item No.21.

Let affidavit be filed on behalf of the respondents/State within four weeks explaining the ambiguity”

3. An application for taking documents on record has been filed by the State on 20.9.2016 producing therewith a copy of letter dated 16.9.2016 addressed by the Under Secretary, Government of Chhattisgarh to the Director of Health Services. It says, inter alia, that steps are being taken to modify the extant rules at the earliest. Once that has been said in September, 2016, we are sure that the steps following that would have proceeded and there is no reason why we shall not assume that the final decision of the Government in that regard would come at least within 45 days from now.
4. For the following reasons, this writ petition is ordered directing that the rules mentioned in Annexure-R/A dated 16.9.2016, as proposed, shall be finalized without delay, at any rate within an outer limit of two months from today. There upon, it shall be duly published as required by the laws. Following that, the case of the Petitioners and all other persons entitled to consideration of their case shall be taken up by the Government either on the basis of contents of this writ petition or on representations and appropriate decision shall be issued in the light of the amended rules. This exercise shall be carried out and final decision in relation to each of the Petitioners shall be issued within a further period of two months without fail.

All the cases of notional promotion which may be available regarding persons who have retired by this time shall also be considered in accordance with law.

5. The writ petition is ordered accordingly, leaving open all other issues.

Sd/-

(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-

(P. Sam Koshy)
Judge