

HIGH COURT OF CHHATTISGARH, BILASPUR

WA No. 525 of 2018

(Arising out of order dated 22.03.2018 passed in WPS No. 2538 of 2018 by the learned Single Judge)

- Jai Kumar Kaiwarth S/o Shri Sudduram Kaiwarth, Aged About 39 Years Post Block Program Manager At Community Health Center, District Janjgir- Champa, R/o Village Nawagarh, District : Janjgir-Champa, Chhattisgarh

---- Appellant

Versus

1. State of Chhattisgarh Through Secretary, Department Of Health And Family Welfare, New Mantralaya, Mahanadi Bhawan, Naya Raipur, District- Raipur, Chhattisgarh
2. Chief Medical And Health Officer, Nawagarh, Janjgir- Champa, District- Janjgir- Champa, Chhattisgarh
3. Mission Director, National Health Mission Raipur, District Raipur, Chhattisgarh
4. Block Medical Officer, Nawagarh, District Janjgir- Champa, Chhattisgarh

---- Respondents

For Appellant	: Shri Ramesh Nayak, Advocate
For Respondents/State	: Shri YS Thakur, Additional Advocate General
For Respondent- 3	: Shri CJK Rao, Advocate

**Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice
& Hon'ble Shri Justice Parth Prateem Sahu**

Judgment on Board

Per Thottathil B. Radhakrishnan, Chief Justice

18.06.2018

1. We have heard the learned counsel for the appellant, the learned Additional Advocate General and the learned counsel for the 3rd Respondent.

2. This Writ Appeal is against the judgment by which the learned Single Judge refused to interfere with the rejection of the petitioner's request for renewal of his contract appointment with National Health Mission, Raipur.

3. Petitioner was served with an order on 29.09.2017 by which his services on contract basis was terminated. He challenged it by instituting WPS No. 599 of 2018. This Court ordered that on 16.01.2018 by directing that the objections of the petitioner be considered and decided, also by issuing a speaking order. That has been done and an order dated 21.02.2018 was issued, essentially declining to renew the contract appointment of the petitioner. That was challenged by instituting the writ petition from which this appeal arises. That was dismissed.

4. Though the learned counsel for the appellant argued that the terms of the contract called for a pre-decisional notice of one month for termination of the contract, we are satisfied that the said plea does not now survive in view of the earlier order by this Court in WPS No. 599 of 2018. For one thing, this Court did not then interfere with the termination on a ground of breach of the requirement of pre-decisional notice of hearing. Secondly and more importantly, this Court adopted the course of post-decisional curative hearing. The establishment, thereafter, decided, by stating its reasons, and concluding, that the contract appointment is not being renewed.

5. For the aforesaid reasons, we do not find any legal infirmity or jurisdictional error in the decision of the learned Single Judge to decline the request to come to the aid of the petitioner, more particularly, because

as rightly noticed by the learned Single Judge, by efflux of time the contract period had expired and there is no substantial right accrued in favour of the appellant.

6. This Writ Appeal, therefore, fails and the same is accordingly dismissed.

Sd/-

(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge

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