

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CONT No. 501 of 2017

P. K. Kumar S/o Late A.K. Kumar, Aged About 62 Years Working As a M. P. S. Community Health Centre, Kansabel, Police Station Kansabel, Revenue And Civil District Jashpur Chhattisgarh.,..... Complainant, Chhattisgarh

---- Petitioner

Versus

1. Sh. Ajay Singh Principal Secretary, Department Of Health And Family Welfare, And Urban Development, D. K. S. Bhawan, Mantralaya, Raipur, Chhattisgarh 492001., Chhattisgarh
2. Mr. R. Prasanna I A S Commissioner Department Of Health And Family Welfare Directorate Health And Family Welfare Directorate Health Services Third Floor, Indrawati Bhawan, New Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
3. Mrs. Ranu Sahu I. A. S. Director, Directorate Health Services, Directorate Health Services, Third Floor, Indrawati Bhawan, Raipur Chhattisgarh..... Contemnors, District : Raipur, Chhattisgarh

---- Respondents

For Petitioner : Shri Vinod Deshmukh, Advocate

D.B. Hon'ble Shri Justice Manindra Mohan Shrivastava & Hon'ble Shri Justice Sanjay Agrawal

Order On Board

02/02/2018

Heard.

1. This petition has been filed by the petitioner alleging willful disobedience of order dated 27.11.2014 passed in Writ Petition (S) No.3399 of 2013 and batch of petitions.
2. Learned counsel for the petitioner would submit that by the aforesaid order, while declaring Rule 14 of the Chhattisgarh Health and Family Welfare

Department Non-Ministerial Para-Medical and Nursing (Directorate Health Service) Class-III Service Recruitment Rules, 2013 ultra vires, the Court also directed the State to frame appropriate Rules and then proceed to consider cases of eligible candidates for promotion to the post of Block Extension Educator (BEE). It is alleged that though the said order was passed three years before, till date, no new Rule has been framed because of which the petitioner's case is not being considered for promotion.

3. After going through the order passed in WPS No.3399 of 2013, we do not find that there was any specific direction to frame the Rule in any particular manner that too within any particular time frame. This Court held a particular Rule ultra vires and it was struck down. The State Government was given liberty to frame Rule appropriately in accordance with Article 14 of the Constitution of India. It is not a case that the respondents have proceeded to consider cases of promotion without laying down any Rules. Therefore, in these circumstances, we are not satisfied that there is any willful disobedience of the order of the Court. If the petitioner is aggrieved by inaction, his remedy lies elsewhere.
4. The petition is accordingly dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Sanjay Agrawal)
Judge