

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****WA No. 110 of 2019**

- Gurudatta Kannouje S/o Shri Jhaluram Kannouje Aged About 27 Years Occupation Service (Driver), R/o Balsamund Road Palari, Post Palari, Thana And Tahsil Palari, District Baloda Bazar Bhatapara Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through the Secretary, Department of Health, Mahanadi Bhawan, Capital Complex, Secretariat, Naya Raipur, District Raipur Chhattisgarh
2. The Director Directorate of Health Services, Block-I Indrawati Bhawan, 3rd Floor, Naya Raipur, District : Raipur, Chhattisgarh
3. The Collector, District Baloda Bazar Bhatapara, Chhattisgarh
4. The Chief Medical And Health Officer Raipur, District Raipur, Chhattisgarh
5. The Chief Medical And Health Officer, Baloda Bazar District : Balodabazar-Bhatapara, Chhattisgarh

---- Respondent**WA No. 204 of 2019**

- Tej Ram Dhruv S/o Jhaduram Dhruv, aged about 42 years, R/o Village Gidhkera, Tehsil Palari, District Balodabazar-Bhatapara (CG)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through the Secretary, Department of Health, Mahanadi Bhawan, Capital Complex, Secretariat, Naya Raipur, District Raipur Chhattisgarh
2. The Director Directorate of Health Services, Block-I Indrawati Bhawan, 3rd Floor, Naya Raipur, District : Raipur, Chhattisgarh

3. The Collector, District Baloda Bazar Bhatapara, Chhattisgarh
4. The Chief Medical And Health Officer Baloda Bazar, District Baloda Bazar-Bhatapara (CG)
5. Joint Director, Health Services, Chhattisgarh, Indravati Bhawan, New Raipur, District Raipur (CG)
6. Joint Director, District Balodabazar-Bhatapara (CG)
7. Chief Executive Officer, Zila Panchayat, District Balodabazar-Bhatapara (C)G
8. District Treasury Officer, District Balodabazar-Bhatapar (CG)

---- Respondent

For Petitioners	Mr. Vaibhav Goverdhan, Advocate
For Respondent/State	Mr. Siddharth Dubey, Dy.GA

DB.:Hon'ble Mr. Prashant Kumar Mishra, Ag. C.J. &

Hon'ble Mr. Parth Prateem Sahu, J.

Order On Board By

Prashant Kumar Mishra, Ag. CJ

1/5/2019

1. Heard.,
2. I.A No.1, applications for condonation of delay in filing the writ appeals are considered and allowed. Delay in filing the appeals is condoned.
3. Since the issue involved in these appeals is similar to the one decided by this Court in **WA No.448/2017** and other analogous cases, which was the case of **Krishna Kumar Daharia vs. State of Chhattisgarh and Others**, we have heard learned counsel for

the parties finally with their consent.

4. In the matter of **Krishna Kumar Daharia (supra)**, the following operative part of the order was passed:-

“15. In the facts and circumstances, we therefore, hold the order of termination dated 16.06.2016 passed by the CMHO, Baloda Bazar as well as the order dated 27.09.2017 passed by the learned Single Judge upholding such decision of termination to be irrational and arbitrary and therefore, they deserve to be set aside and are set aside. It goes without saying that all these Appellants will be reinstated in their services forthwith.

16. The respondents, however, are given liberty that they will issue individual notices and hold enquiry in relation to the appointments on the post so made of all these terminated employees and this exercise cannot be a collective exercise because the authorities will have to identify as to which appointment was irregular and which appointment was illegal in the enquiry. In the departmental proceeding to be held and on the findings thereon, the law will take its course. The said enquiry will be concluded preferably within a

period of six months.

17. Before disposing these appeals, the Court also directs all the appellants that on the notice so given to them by the Appointing Authority who is said to be CMHO, Baloda Bazar, they will co-operate in the enquiry and will not unnecessarily delay the same on one pretext or the other.”

5. Accordingly, both the writ appeals are allowed in terms of the order passed by this Court.

Sd/-

(Prashant Kumar Mishra)
Acting Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge

Shyna