

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WA No. 168 of 2019**

- Manish Kumar Sahu, S/o Shri Mahendra Kumar Sahu, Aged About 26 Years, Occupation Service, Presently Posted and Working As Multi Purpose Health Worker At Sub Health Center Parsapali, P.S. and Block Bilaigarh, Civil and Revenue District Baloda Bazar Bhatapara Chhattisgarh R/o Vilalge Raikona, Tahsil And Block Bilaigarh, District Balodabazar Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Health, Mahandi Bhawan, Mantralaya Naya Raipur, Post Office And Police Station Naya Raipur District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
2. Director, Directorate Of Health Service Block-I, Indrawati Bhawan, 3rd Floor, Naya Raipur District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
3. Collector, District Baloda Bazar, Bhatapara Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh
4. Chief Medical and Health Officer, District Baloda Bazar, Bhatapara, Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh

---- Respondents

For Petitioner

Shri Anshul Tiwari, Advocate

For Respondent-State

Shri Faiz Kazi, PL

Hon'ble Justice Mr. Prashant Kumar Mishra**Hon'ble Justice Mr. Parth Prateem Sahu****Order On Board****26/03/2019**

1. IA No.1, application for condonation of delay in filing the writ appeal, is considered and allowed. Delay of 464 days is condoned for the reason that the writ appeal arising out of the same order, by which

batch of writ petitions were dismissed, has already been allowed by this Court.

2. The writ appeal is allowed in terms of the order passed 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.
3. 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.”

4. The present writ appeal is therefore allowed in the above stated terms.

Sd/-
Prashant Kumar Mishra
Judge

Sd/-
Parth Prateem Sahu
Judge