

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURWA No. 187 of 2019

- Bhuvneshwar Dhritlahare S/o Motiram Dhritlahare, Aged About 30 Years R/o Village Paraswani, Police Station Bhatapara, Civil And Revenue 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. Director Health Services, Directorate Of Health Services, Block-1, Indrawati Bhawan, 3rd Floor, Naya Raipur, District Raipur Chhattisgarh.
3. The Chief Medical And Health Officer Baloda Bazar, District Baloda Bazar - Bhatapara Chhattisgarh.

---- Respondents

WA No. 176 of 2019

- Rajesh Kumar Yadav S/o Krishna Kumar Yadav, Aged About 28 Years Occupation Sweeper, Government Community Health Centre Simga, Thana Simga, District , Baloda Bazar - Bhatapara, Chhattisgarh, R/o Village Simga, Post Office Simga, Block Simga, District Baloda Bazar - Bhatapata Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Health Mahanadi Bhawan Capital Complex, Secretariat, Naya Raipur, District Raipur Chhattisgarh, (Respondent No. 1).
2. The Director, Directorate Of Health Services, Block - 1, Indrawati Bhawan, 3rd Floor, Naya Raipur District Raipur Chhattisgarh, (Respondent No.2).
3. Collector, District Baloda Bazar - Bhatapata Chhattisgarh, (Respondent No. 3).
4. The Chief Medical And Health Officer Baloda Bazar, District Baloda Bazar - Bhatapata Chhattisgarh, (Respondent No. 4).
5. Block Health Officer, Public Health Centre, Simga, District Baloda Bazar - Bhatapara Chhattisgarh, (Respondent No. 5).

----- Respondents

WA No. 179 of 2019

- Chanchal Kumar Nayak S/o Tej Shanker Nayak Aged About 23 Years Occupation - Service, Presently Posted And Working As Driver At Community Health Centre, Kasdol, Police Station And Block - Kasdol, Civil And Revenue District Baloda Bazar Bhatapara Chhattisgarh. R/o Village - Kushbantha, Post - Nagardas, Police Station And Block - Kasdol, Civil And Revenue District Baloda Bazar Bhatapara Chhattisgarh.

----- Petitioner

Versus

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

---- Respondents

WA No. 180 of 2019

- Tushar Kumar Sahu S/o Late Nand Kumar Sahu, Aged About 26 Years, Occupation Dresser, Government Primary Health Centre, Hathband, Thana Simga, Distt. Baloda Bazar Bhatapara Chhattisgarh R/o Village Aourethi, Thana Simga, Distt. Baloda Bazar Bhatapara Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary Department Of Health Mahanadi Bhawan, Capital Complex, Secretariat, Naya Raipur, Distt. Raipur Chhattisgarh.
2. The Director, Directorate Of Health Services, Block-1, Indrawati Bhawan 3rd Floor, Naya Raipur, District Raipur Chhattisgarh.
3. Collector, District Baloda Bazar Bhatapara Chhattisgarh.

4. The Chief Medical And Health Officer, Baloda Bazar, District Baloda Bazar Bhatapara Chhattisgarh.
5. Block Health Officer Public Health Centre, Simga, District Baloda Bazar Bhatapara Chhattisgarh.

---- Respondents

WA No. 181 of 2019

- Smt. Narita Sahu W/o Thanu Ram Sahu Aged About 33 Years, Occupation - Service, Presently Posted And Working As Auxiliary Nurse Midwife At Primary Health Center, Barnawapara, Police Station And Block - Kasdol, Civil And Revenue District Baloda Bazar - Bhatapara Chhattisgarh, R/o Village - Borsi, Police Station Rajim, Civil And Revenue District Gariyaband Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Health Mahanadi Bhawan Capital Complex, Secretariat, Naya Raipur, District Raipur Chhattisgarh, (Respondent No. 1).
2. The Director, Directorate Of Health Services, Block - 1, Indrawati Bhawan, 3rd Floor, Naya Raipur District Raipur Chhattisgarh, (Respondent No. 2).
3. The Collector, Collectorate, District Baloda Bazar - Bhatapata Chhattisgarh, (Respondent No. 3).
4. The Chief Medical And Health Officer, Baloda Bazar, District Baloda Bazar - Bhatapata Chhattisgarh, (Respondent No. 4).

---- Respondents

WA No. 182 of 2019

- Indra Kumar Verma S/o Shri Pawan Kumar Verma Aged About 25 Years Occupation- Peon, R/o Village- Korda, Post-Lavan, District- Balodabazar- 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 Through Directorate Of Health Service, Block 1, Indrawati Bhawan, 3rd Floor, Naya Raipur, District- Raipur Chhattisgarh.
3. The Collector Through District- Baloda Bazar-Bhatapara, Chhattisgarh.
4. The Chief Medical And Health Officer Through Raipur, District- Raipur, Chhattisgarh.
5. The Chief Medical And Health Officer Through Balodabazar, District- Baloda Bazar- Bhatapara, Chhattisgarh.

---- Respondents

WA No. 183 of 2019

- Bhojraj Sao S/o Pardeshi Sao Aged About 24 Years Occupation Watchman, Government Primary Health Center Damakheda, Thana Simga, District Baloda Bazar Bhatapara, Chhattisgarh, R/o Village Damakheda, Thana Simga, District Baloda Bazar Bhatapara, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Health Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur, Chhattisgarh.
2. The Director Directorate Health Service, Block 1, Indrawati Bhawan, 3rd Floor, Naya Raipur, District Raipur, Chhattisgarh.
3. Collector District Baloda Bazar, Bhatapara, Chhattisgarh.
4. Chief Medical And Health Officer Baloda Bazar, District Baloda Bazar Bhatapara, Chhattisgarh.
5. Block Health Officer Public Health Center Simga, District Baloda Bazar Bhatapara, Chhattisgarh.

---- Respondents

WA No. 185 of 2019

- Bhuwan Lal Yadav S/o Mayalal Yadav Aged About 36 Years R/o Village Ghunchapali, Bagbahara, Police Station Bagbahara, Post Ruchapali District Mahasamund Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Health Department, Mantralaya, Mahanadi Bhawan, Capital Complex, Secretariat, Naya Raipur, District Raipur, Chhattisgarh.

2. The Director Directorate Of Health Services Block-1, Indrawati Bhawan 3rd Floor, Naya Raipur, District Raipur, Chhattisgarh.
3. The Collector Collectorate, 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 Baloda Bazar Bhatapara Chhattisgarh.

---- Respondents

WA No. 186 of 2019

- Meena Sahu W/o Shri Daulat Ram Sahu Aged About 35 Years R/o Village And Post Datrenga, Than And Tahsil Bhatapara, 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 Service, Block 1, Indrawati Bhawan 3rd Floor, Naya Raipur, District Raipur Chhattisgarh.
3. The Collector Collectorate, District Balodabazar Bhatapara, Chhattisgarh.
4. The Chief Medical And Health Officer Raipur District Raipur

Chhattisgarh.

5. The Chief Medical And Health Officer Balodabazar, District Baloda Bazar, Bhatapara, Chhattisgarh.

---- Respondents

WA No. 188 of 2019

- Hussain Ali S/o Mustak Ali Aged About 22 Years Occupation Grade IV, Goverment Primary Health Center Simga, Thana Simga, District Baloda Bazar Bhatapara, Chhattisgarh R/o Simga, Post Office Simga, District Baloda Bazar Bhatapara, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary Department, Of Health Mahandi Bhawan, Capital Complex, Secretariat, Naya Raipur, District Raipur Chhattisgarh.
2. The Director Directorate Of Health Services, Block 1, Indrawati Bhawan, 3rd Floor, Naya Raipur, District Raipur Chhattisgarh.
3. Collector District Baloda Bazar Bhatapara, Chhattisgarh.
4. The Chief Medical And Health Officer Baloda Bazar District Balodabazar Bhatapara, Chhattisgarh.
5. Block Health Officer Public Health Center Simga, District Baloda Bazar, Bhatapara, Chhattisgarh.

---- Respondents

WA No. 189 of 2019

- Chitrarekha Sonwani W/o Shri Champeshwar Sonwani Aged About 34 Years Occupation Service (Peon) R/o Shaktipara Ward No. 5, Baloda Bazar, Village Kushbantha, Post Nagardas, And Tehsil Baloda Bazar, 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. Director, Directorate Of Health Services, Block I, Indrawati Bhawan 3rd Floor, Naya Raipur, District Raipur Chhattisgarh.
3. Collector, District Baloda Bazar Bhatapara Chhattisgarh.
4. Chief Medical And Health Officer, Raipur, District Raipur Chhattisgarh.
5. The Chief Medical And Health Officer, Baloda Bazar, District Balodabazar Bhatapara, Chhattisgarh.

---- Respondents

WA No. 190 of 2019

- Anil Verma S/o Lachi Kumar Verma Aged About 33 Years R/o Village Konkadi, Post And Thana Risda, Tahsil And District Balodabazar 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 1, Indrawati Bhawan, 3rd Floor, Naya Raipur, District Raipur Chhattisgarh.
3. The Collector Collectorate, District Balodabazar Bhatapara, Chhattisgarh.
4. The Chief Medical And Health Officer Raipur District Raipur, Chhattisgarh.
5. The Chief Medical And Health Officer Balodabazar District Balodabazar Bhatapara Chhattisgarh.

---- Respondents

WA No. 191 of 2019

- Raja Gandharv S/o Sanat Kumar Gandharva Aged About 22 Years R/o Village Tarashiv, Tahsil Baloda Bazar, 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, (Respondent No. 1).
2. The Director, Health Services, Chhattisgarh, Indrawati Bhawan, Naya Raipur, District Raipur Chhattisgarh, (Respondent No. 2).

3. The Joint Director, Health Services, Chhattisgarh, Indrawati Bhawan, Naya Raipur, District Raipur Chhattisgarh, (Respondent No. 3).
4. The Collector, Collectorate, District Baloda Bazar Bhatapara Chhattisgarh, (Respondent No.4).
5. The Joint Collector, Collectorate, District Baloda Bazar Bhatapara Chhattisgarh, (Respondent No.5).
6. The Chief Medical And Health Officer Baloda Bazar, District Baloda Bazar - Bhatapara Chhattisgarh, (Respondent No. 6).
7. Chief Executive Officer, Zila Panchayat, District Baloda Bazar Bhatapara Chhattisgarh, (Respondent No. 7).
8. District Treasury Officer, District Baloda Bazar Bhatapara Chhattisgarh, (Respondent No. 8).

---- Respondents

WA No. 192 of 2019

- Meghnath Ghritlahare S/o Bhishamlal Ghritlahare Aged About 27 Years R/o Village Dongarideeh, Post And Thana Lawan, Tahsil And District- Baloda Bazar Bhatapara, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Health Services Mahanadi Bhawan, Naya Raipur, Post Office And Police Station Naya Raipur District- Raipur, Chhattisgarh.

2. Director Directorate Of Health Services, Block-1 Indrawati Bhawan 3rd Floor, Naya Raipur, Post Office And Police Station Naya Raipur, District- Raipur, Chhattisgarh.
3. The Collector Collectorate District- Baloda Bazar Bhatapara, Chhattisgarh.
4. Chief Medical And Health Officer Raipur, District- Raipur, Thana Raipur, Chhattisgarh.
5. Chief Medical And Health Officer Baloda Bazar District And Thana Baloda Bazar-Bhatapara, Chhattisgarh.

---- Respondents

WA No. 194 of 2019

- Mukesh Patel S/o D. R. Patel Aged About 24 Years R/o Village Kukurdeeh, Post And Thana Palari, Tahsil And 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-1, Indrawati Bhawan, 3rd Floor, Naya Raipur, District- Raipur, Chhattisgarh.
3. The Collector Collectorate, 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-Baloda Bazar, Bhatapara, Chhattisgarh.

----- Respondents

For Petitioners/Appellants :-	Shri Abhuday Singh, Advocate, Shri K. Rohan, Advocate & Ms. Aditi Singhvi, Advocate
For Respondents-State :-	Shri Satish Chandra Verma, AAG, Shri Rajnish Singh Baghel, Dy. AG. Shri Siddharth Dubey, Dy. G.A., Shri Vikram Sharma, PL & Shri Faiz Kazi, PL

Hon'ble Shri Prashant Kumar Mishra, Ag. CJ

Hon'ble Shri Parth Prateem Sahu, J.

Judgment on Board

By

Prashant Kumar Mishra, Ag. CJ

29/03/2019

1. Some writ appeals in this batch are posted in default however considering the fact that all the writ appeals would involve similar issue the default is ignored so that the entire batch of appeals is decided by this common order.
2. Learned counsel for the parties would jointly submit that the present batch of writ appeals would involve similar issue as has been decided by this Court in the matter of **Krishna Kumar Daharia vs. State of Chhattisgarh and others** in

WA No.448/2017, decided on **24.09.2018** copy of which have been filed by the petitioner as **Annexure A-8**.

3. In view of the joint statement made by the parties the batch of appeals are allowed in terms of order passed by this Court in the matter of **Krishna Kumar Daharia (supra)**.
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. The present batch of appeals are, therefore, allowed in the above stated terms.

Sd/-
(Prashant Kumar Mishra)
Acting Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge

Ankit