

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WA No. 202 of 2019

- Ashish Kumar Verma S/o Shri Ashok Kumar Verma, Aged About 26 Years, R/o Village - Aatari, Post And Tahsil - Patan, District Durg 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 Bhwan, 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 Baloda Bazar - Bhatapara Chhattisgarh.

---- Respondents

WA No. 203 of 2019

- Khushbu Yadav D/o Shri Pardeshi Yadav, Aged About 26 Years, R/o Village And Post - Khatiapati, Police Station And 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, 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. 205 of 2019

- Ashwani Joshi D/o Shri Kashiram Joshi Aged About 24 Years, R/o Village- Purenakhapri, Police Station- Baloda Bazar, Post Risda, Tahsil Baloda Bazar, 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 Distirct Baloda Bazar Bhatapara,
Chhattisgarh.
4. The Chief Medical And Health Officer Raipur, District-
Raipur, Chhattisgarh.
5. The Chief Medical And Healrh Officer Baloda Bazar, District-
Baloda Bazar - Bhatapara, Chhattisgarh.

---- Respondents

For Petitioners	:-	Shri Vaibhav A. Goverdhan, Adv.
For Respondent-State	:-	Shri Gagan Tiwari, PL & Shri Vikram Sharma, 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

03/04/2019

1. I.A No.1, application for condonation of delay in filing the writ
appeals are considered and allowed. Delay in filing the
appeals is condoned.
2. 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.

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

Sd/-
(Prashant Kumar Mishra)
Acting Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge

Ankit