

HIGH COURT OF CHHATTISGARH, BILASPUR

WA No. 217 of 2019

- Yasmeen W/o Amjad Bakhas Aged About 42 Years
Occupation Peon, Community Hospital Center, Bhatapara,
District Baloda, Bazar Bhatapara, Chhattisgarh R/o Village
Near Premngar, Water Tank Behind Sahu Complex, Mova
Thana Raipur, District Raipur Chhattisgarh.

---- Appellant

Versus

1. State Of Chhattisgarh Through Secretary, Department Of
Health, Mantralaya Mahanadi Bhawan, 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.
5. Block Health Officer, Public Health Center, Simga, District
Baloda Bazar Bhatapara Chhattisgarh.

---- Respondents

WA No. 219 of 2019

- Smt. Chanda Sahu W/o Shri Hukum Chand Sahu Aged
About 37 Years Occupation Service, Presently Posted And
Working As Auxilairy Nurse Midwifery At Sub Health Center,

Sinodha, Police Station And Block Simg, Civil And Revenue District Baloda Bazar, Bhatapara, Chhattisgarh R/o Village And Post Sankri, Police Station Kurud, Civil And Revenue District Dhamtari Chhattisgarh.

---- Appellant

Versus

1. State Of Chhattisgarh Through Secretary Department Of Health, Mantralaya, Mahanadi Bhawan, 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. 226 of 2019

- Rebika Masih Nath W/o Shri Suhem Nath, Aged About 43 Years R/o Mission Parsabadher, Post And Tahsil Baloda Bazar District Baloda Bazar Bhatapara Chhattisgarh.

---- Appellant

Versus

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

WA No. 217 of 2019
and others

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 - Baloda Bazar - Bhatapara Chhattisgarh.

---- Respondents

WA No. 227 of 2019

- Smt. Savitri Verma W/o Shri Prabhu Ram Verma Aged About 36 Years, Occupation- Service(Aaya), R/o Village- Koriha, Post And Police Station Lawan, District- Baloda Bazar- Bhatapara, Chhattisgarh.

---- Appellant

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Health, Mantralaya, Mahanadi Bhawan, Naya Raipur, Post Office And Police Station Naya Raipur, District- Raipur, Chhattisgarh.
2. Director Through Directorate Of Health Service, Block-1, Indrawati Bhawan, 3rd Floor, Naya Raipur, Post Office And Police Station Naya Raipur, District- Raipur, Chhattisgarh.
3. Collector Through District- Balodabazar- Bhatapara, Chhattisgarh.

4. Chief Medical And Health Officer, Through District- Baloda Bazar- Bhatapara, Chhattisgarh.
5. Chief Medical And Health Officer Through Raipur, District- Raipur, Chhattisgarh.

---- Respondents

WA No. 228 of 2019

- Shankar Lal Sahu S/o Shri Badri Prasad Sahu Aged About 23 Years Occupation Lab Attendant, R/o Village And Post Damru, District Baloda Bazar Bhatapara Chhattisgarh.

---- Appellant

Versus

1. State Of Chhattisgarh Through Secretary Department Of Health, Mantralaya, Mahanadi Bhawan, 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 Balodabazar Bhatapara Chhattisgarh.
4. Chief Medical And Health Officer District Baloda Bazar Bhatapara Chhattisgarh.
5. The Chief Medical And Health Officer District Baloda Bazar, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh.

---- Respondents

WA No. 229 of 2019

- Devnath Dewangan S/o Shri Tijuram Dewangan Aged About 37 Years Occupation Service, Presently Posted And Working As Multi Purpose Health Worker At Sub Health Center Kasda, Police Station Hathband, Block Simga, Civil And Revenue District Baloda Bazar - Bhatapara R/o Village Kesla, Police Station Kharora District Kharora Chhattisgarh.

---- Appellant**Versus**

1. State Of Chhattisgarh Through Secretary Department Of Health, Mantralya, Mahanadi Bhawan, 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

For respective Appellants	:- Shri Gurudev I. Sharan, Advocate and Ms Rashul Bhawnani, Advocate
For Respondent-State	:- Shri Siddhartha Dubey, Dy. G.A.

Hon'ble Shri Prashant Kumar Mishra, Ag. CJ

Hon'ble Shri Parth Prateem Sahu, J.

Judgment on Board

By

Prashant Kumar Mishra, Ag. CJ

15/04/2019

1. The issue involved in the present batch of writ appeals have already been settled 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 has been produced for perusal before this Court.
2. In view of the joint statement made by the parties that the issue is covered by the above referred judgment in the matter of **Krishna Kumar Daharia (supra)**, the present batch of petitions are also allowed in the same terms.
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 batch of appeals are, therefore, allowed in the above stated terms.

Sd/-
(Prashant Kumar Mishra)
Acting Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge