

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 2871 of 2019

Rakesh Kurre S/o Ramprasad Kurre Aged About 42 Years R/o Bhattapara,
Behind Manipur, School, Ambikapur, District Surguja Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Health And Family Welfare Department, Mantralaya Mahanadi Bhawan, Atal Nagar Raipur Chhattisgarh.
2. Director Health Service, Indrawati Bhawan, Atal Nagar Raipur, Raipur Chhattisgarh.
3. Joint Director Health Service, Surguja Division Ambikapur, District Surguja Chhattisgarh.
4. Chief Medical And Health Officer Ambikapur, District Surguja Chhattisgarh

---Respondents

For Petitioner	:	Mr. C. Jayant K. Rao, Advocate
For State	:	Mr. Rahul Mishra, Dy. G.A.

Hon'ble Shri Justice P. Sam Koshy
Order on Board

16/04/2019

1. The relief sought for by the petitioner in the present writ petition is for an appropriate direction to the respondents for considering appointment of the petitioner on contractual basis against the vacant class-IV posts, which are lying vacant in the district under Surguja package.
2. Perusal of the record shows that the petitioner in the past was appointed on the contractual basis in class-IV category way back on 06.10.2003 and his services continued periodically till September, 2010 when on account of conviction of the petitioner from the Court of 3rd Additional Sessions Judge (FTC) Ambikapur the petitioner stood discontinued from service and thereafter he has not been taken back in employment.
3. Subsequently the judgment of conviction was challenged in a criminal appeal before this Court and this Court in Criminal Appeal No. 776/2010

vide its judgment dated 12.12.2017 granting benefit of doubt to the petitioner has acquitted of the charges that were leveled against him.

4. Counsel for the petitioner submits that now that the petitioner stands acquitted from the criminal case, his case be considered by the Department for re-engagement as an contractual employee as vacancies are still available.
5. Given the facts that the substantive appointment of the petitioner was as a contractual employee and the petitioner for the past about 9 years is out of employment, this Court finds it difficult to give the appropriate relief as prayed for by the petitioner.
6. The only relief or direction which this Court can grant is considering the fact that the petitioner now stands acquitted in the criminal case, he would be at liberty to apply to the respondents for fresh contractual appointment and the respondents herein are expected to take a decision on the application for contractual appointment made by the petitioner in accordance with the Rules and Regulations governing the field and would also take into consideration the requirement, if any.
7. With the aforesaid observations, the present writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge

Ved