

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****WPS No. 2939 of 2019**

1. Nitu Rajwade, D/o Jitendra Rajwade, aged about 24 years, R/o Lakhanpur, P.O. Lakhanpur, District Surguja (C.G.)
2. Ku. Savita, D/o Rajan Ram, aged about 25 years, R/o Rani Bagicha, Jashpur District Jashpur (C.G.)

---- Petitioners**Versus**

1. State Of Chhattisgarh Through The Secretary, Department of Health and Family Welfare, Mahanadi Bhawan, Mantralaya, Atal Nagar, Raipur (C.G.)
2. The Divisional Joint Director, Health Services, Surguja Division, District Ambikapur (C.G.)
3. The Collector, District Surajpur (C.G.)
4. The Chief Medical and Health Officer, District Surajpur (C.G.)

---- Respondents**And****WPS No. 2945 of 2019**

1. Ku. Preeti, D/o Tarendra Kumar, aged about 27 years, R/o Gram Kuhkuha, P.O. Dahdaha, Kurud, District Dhamtari (C.G.)
2. Ku. Anita Kushwaha, D/o Shivanath Kushwaha, aged about 27 years, R/o Gram Khadhapara, P.O. Darripara, Bhaiyathan, District Surajpur (C.G.)
3. Ku. Sonmatiya, D/o Maan Sai, aged about 27 years, R/o Karampur, P.s. Kumda Colony, District Surajpur (C.G.)
4. Rukmani Singh, D/o Mr. Anand Ram, aged about 26 years, R/o Gram Maheshpur, Post Premanagar, District Surajpur (C.G.)
5. Tara Singh, D/o Mr. Nand Lal Singh, aged about 23 years, R/o village Kanakpur P.O. Shilphili Disstrict Surajpur (C.G.)
6. Chhaya Beck, D/o Mr. Paulus Beck, aged about 24 years, R/o village Sutri, P.s. Bagicha, District Jashpur (C.G.)
7. Divya Tiwari, D/o Krishna Kumar Tiwari, aged about 26 years, R/o Baikunthpur, District Korea (C.G.)
8. Anita Manikpuri, D/o Late Kunjlal Manikpuri, aged about

27 years, R/o Chirimiri Gelhapani, District Korea (C.G.)

---- Petitioners

Versus

1. State Of Chhattisgarh Through Secretary, Department of Health and Family Welfare, Mahanadi Bhawan, Mantralaya, Atal Nagar, Raipur (C.G.)
2. The Divisional Joint Director, Health Services, Surguja Division District Ambikapur (C.G.)
3. The Collector, District Surajpur (C.G.)
4. The Chief Medical and Health Officer, District Surajpur (C.G.).

---- Respondents

For Petitioners	:	Shri Satish Gupta, Advocate.
For Respondents/State	:	Shri Ishan Verma, P.L.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

22/04/2019

1. Since the facts and the relief sought for in the aforesaid two writ petitions are similar and identical, it is being disposed of by a common order.
2. The impugned order in these two writ petitioners are dated 26.03.2019 and 01.04.2019 (Annexure P/1 in both petitions) whereby, the contractual appointment given to the petitioners have been noticed to be terminated on completion of one month's period. The contention of the petitioners is that since the State Government, vide order dated 11.10.2017 as a policy decision, decided to set-up Mother and Child Health Clinic and each clinic to have the strength of 36 staff nurse.

The petitioners were appointed vide order dated 19.12.2018 and 02.02.2018 on contractual basis for a period of one year. However, abruptly, now the impugned orders (Annexure P/1 dated 26.03.2019 and 01.04.2019) have been issued noticing discontinuation of their service on the completion of one month's notice period. The contention of the petitioners is that since the appointment of the petitioners were for a period of one year, the services could not have been discontinued before completion of the said tenure without any basis. It is further the contention of the petitioners that the discontinuance is being made on incorrect facts and basis. According to the petitioners, there are still sanctioned vacant posts available with the department against which the petitioners should have been continued and for all these reasons, the impugned notice of discontinuation of service is bad in law.

3. The State counsel, on the other hand, referring to the impugned order submits that the order of the State Government shows that there are sufficient regular staff nurse available with the department and who have been duly appointed through Chhattisgarh Professional Examination Board, and hence there was no need of services of the petitioners as of now, which led to the issuance of the impugned orders.

4. Having heard the contentions put forth on the either side and

on perusal of record, accepting the ground which has been raised by the department in the impugned orders, this Court is not inclined to interfere with the same. However, it is ordered that the respondents shall be restrained from appointing another set of contractual staff nurse in place of the petitioners for discharging the duties which were initially assigned to the petitioners, vide appointment order dated 02.02.2019 and 19.12.2018. In case, if the department requires contractual staff nurse for the hospitals run by the State Government at the Mother and Child Hospital (MCH) established by the State, the respondents would be required to take back the petitioners in service, which, in other words, would mean that the respondents, under no circumstances, would be permitted to replace the petitioners by another set of contractual staff nurse.

5. The writ petitions are accordingly disposed off.

Sd/-

(P. Sam Koshy)

JUDGE