

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 5010 of 2015

1. Smt. K. K. Asna W/o Rev. A P Asna, Aged About 57 Years Presently Posted As Staff Nurse, C I M S R/o Tarbahar, Near Ghodadana School, Bilaspur Chhattisgarh, Chhattisgarh
2. Smt Kamlesh Jacob W/o E. Jacob, Aged About 58 Years Presently Posted As Staff Nurse, C I M S R/o Omnagar, Near Jatiya Talab, Jarha Bhata, Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh
3. Smt Ujjawala Das W/o Dr S K Das, Aged About 47 Years Presently Posted As Staff Nurse, C I M S R/o Jarha Bhata, Green Park Colony, Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh
4. Smt. Sarita Bahadur W/o Ashish Bahadur, Aged About 45 Years Presently Posted As Staff Nurse, C I M S, R/o Jarha Bhata, Mandir Chowk, Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Petitioners

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Health And Family Welfare, Mantralaya, Raipur Chhattisgarh., Chhattisgarh
2. Director Health Services, Department Of Health And Family Welfare, Raipur Chhattisgarh, District : Raipur, Chhattisgarh
3. Director Medical Education, Department Of Health And Family Welfare, Raipur Chhattisgarh, District : Raipur, Chhattisgarh
4. Dean, Chhattisgarh Institute Of Medical Sciences C I M S, Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh
5. Medical Superintendent, Chhattisgarh Institute Of Medical Sciences C I M S, Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Saleem Kazi, Advocate
For State	:	Mr. Jitendra Pali, Dy. AG

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

19/08/2019

1. The relief sought for by the petitioner in the present writ petition is for a direction to the respondents to consider the petitioner's objection to the provisional seniority list and for granting proper seniority to the petitioners from the date of their initial appointment in the parent department and thereafter consider the case of the petitioners for promotion taking into consideration proper seniority which petitioners would be granted.
2. Counsel for the parties submit that issue raised by the petitioners can be disposed off in terms of the order passed by this Court in WPS No. 7831/2018 decided on 08.03.2019. Since the dispute revolves around non granting of proper seniority taking into consideration the services rendered by the petitioners in their parent department, it would be relevant at this juncture to mention that the said issue has already been considered by the Division Bench of this High Court in the case of **Devdarshan Dilliwar Vs. High Court of Chhattisgarh and others, 2011 LawSuit (Chh) 668.**
3. Moreover, pursuant to the aforesaid judgment passed by the Division Bench of this Court the State Government has amended the Rule itself so far as the Rule 12 of the Chhattisgarh Civil Services (General Conditions of Service), Rules 1961 (In short "Rules of 1961").

4. That in the light of the judgment of the Devdarshan Dilliwar(supra) and the subsequent amendment made to the Rule 12 of the Rules of 1961, the present writ petition can also be disposed off directing the respondents to consider the objections and representations which the petitioners have raised so far as their dispute in respect of granting proper seniority is concerned.
5. Let petitioners therefore file a fresh representation in respect of their grievance in addition to any representation which is already pending consideration and respondents are in turn directed to decide the said objection/representation at the earliest preferably within a period of 90 days from the date of receipt of the representation. The petitioners are expected to submit a fresh representation in addition to what they have already made within a period of two weeks from the date of receipt of copy of this order.
6. While deciding the representation/objections of the petitioners the respondents shall decide the same keeping in view the judgment passed in the case of Devdarshan Dilliwar(Supra) and subsequent amendment of Rule 12 of the Rules of 1961.
7. With the aforesaid observation, the present writ petition accordingly stands disposed off.

Sd/-
(P. Sam Koshy)
Judge

Rohit