

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 7109 of 2019

1. Smt. Usha Kanta Lal, W/o Shri R. K. Lal, Aged About 62 Years, R/o Jarha Nhata, Mandir Chowk, Near Sai Tent House, Bilaspur, Tahsil And District- Bilaspur, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Health And Family Welfare, Mantralaya, Raipur, Chhattisgarh
2. Director, Health Services Department Of Health And Family Welfare, Raipur, Chhattisgarh.
3. Director, Medical Education Department Of Health And Family Welfare, Raipur, Chhattisgarh
4. Dean, Chhattisgarh Institute Of Medical Sciences (CIMS), Bilaspur, Chhattisgarh
5. Medical Superintendent, Chhattisgarh Institute Of Medical Sciences (CIMS), Bilaspur, Chhattisgarh

---Respondents

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

Hon'ble Shri Justice P. Sam Koshy

Order on Board

09.09.2019

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 petitioner from the date of his initial appointment in the parent department and thereafter consider the case of the petitioner for promotion taking into consideration proper seniority which petitioner would be granted.

2. Counsel for the parties submit that, issue raised by the petitioner 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 petitioner has raised so far as her dispute in respect of granting proper seniority is concerned.
5. Let petitioner, therefore, file a fresh representation in respect of her 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 petitioner is expected to submit a fresh representation in addition to what she

has 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 petitioner, 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 observations, the present Writ Petition stands disposed off.

**Sd/-
(P. Sam Koshy)
Judge**