

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 7780 of 2011**

Smt. Uma Dhruw, W/o. Shri K.S. Dhruw, Aged about 42 years, Post Staff Nurse, R/o. Vrindavan Colony, Qr. No. H-3, Near BSNL Office, Jagdalpur, District Bastar, Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh, through: the Secretary, Department of Health, Family Welfare and Medical Education, Ministry, D.K.S. Building, Raipur, District Raipur, Chhattisgarh
2. The Director, Directorate of Health and Family Welfare, Raipur, District Raipur Chhattisgarh
3. The Director, Director of Medical Education, Raipur, District Raipur Chhattisgarh
4. The Dean, Medical College, Jagdalpur, District Bastar, Chhattisgarh
5. Hospital Superintendent, Medical College Hospital, Jagdalpur, District Bastar, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Alok Kumar Dewangan, Advocate
For State	:	Ms. Sunita Jain, G.A.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****03/02/2020**

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 of 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 petitioner in his 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 **“Devsharan Dilliwar Vs. High Court of Chhattisgarh & 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 **“Devsharan Dilliwar”** (supra) and the subsequent amendment made to the Rule 12 of the Rules of 1961, the present writ petition can also be disposed of directing the respondents to consider the objection and representation, which the petitioner has raised, so far as his dispute in respect of granting proper seniority is concerned.
5. Let petitioner, therefore, file a fresh representation in respect of his 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 he has already made, within a period of two weeks from the date of receipt of copy of this order.

6. While deciding the representation/objection of the petitioner, the respondents shall, subject to due verification of facts, decide the same keeping in view the judgment passed in the case of “**Devsharan Dilliwar**” (Supra) and subsequent amendment of Rule 12 of the Rules of 1961.
7. With the aforesaid observations, the present writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Ved