HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3838 of 2020

Nand Kumar Kanwar, S/o. Shri Bharat Singh Kanwar, Aged About 31 Years, Working As Pump Attendant At CIMS, Bilaspur, District Bilaspur, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh, Through The Principal Secretary, Department Of Health, Mahanadi Bhavan, Mantralaya, Atal Nagar, Naya Raipur, District Raipur, Chhattisgarh
2. Dean, Chhattisgarh Institute Of Medical Science (CIMS), Bilaspur, District Bilaspur, Chhattisgarh

---- Respondents

WPS No. 3844 of 2020

Sudhir Singh, S/o. Shri Prem Singh, Aged About 30 Years, Working As Driver At CIMS, Bilaspur, R/o. Naya Sarkanda, Jabdapara, Nearby Ankit Vidya Mandir School, Bilaspur, District- Bilaspur, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh, Through The Principal Secretary, Department Of Health, Mahanadi Bhavan, Mantralaya, Atal Nagar, Naya Raipur, District Raipur, Chhattisgarh
2. Dean, Chhattisgarh Institute Of Medical Science (CIMS), Bilaspur, District Bilaspur, Chhattisgarh

---- Respondents

WPS No. 3851 of 2020

1. Reman Singh, S/o. Shri Sakhan Singh, Aged About 31 Years, Working As Ward Boy/ Aya At CIMS, Bilaspur, R/o. Village Dhodhatarai, P.O. Tuman, Tahsil Karatala, District Korba Chhattisgarh.
2. Hirau Lal Sahu, S/o. Shri Banshi Lal Sahu, Aged About 32 Years, Working As Ward Boy/ Aya At CIMS, Bilaspur, District Bilaspur Chhattisgarh
3. Sunil Kumar Sonwani, S/o. Shri Malikram, Aged About 30 Years, Working As Ward Boy/ Aya At CIMS, Bilaspur, R/o. Village Birkona, Tahsil And District Bilaspur Chhattisgarh
4. Ashok Kumar Sahu, S/o. Shri Sewaram Sahu, Aged About 35 Years, Working As Ward Boy/ Aya At CIMS, Bilaspur, R/o. Village And Post Kunda, Tahsil Pandariya, District Kabirdham Chhattisgarh
5. Faguram Dhruv, S/o. Shri Bhurwaram, Aged About 35 Years, Working As Ward Boy/ Aya At CIMS, Bilaspur, R/o. Village Rahangi, Post Chakarbhathha, Tahsil Bilha, District Bilaspur Chhattisgarh

---- Petitioners

Versus

1. State Of Chhattisgarh, Through The Principal Secretary, Department Of Health, Mahanadi Bhavan, Mantralaya, Atal Nagar, Naya Raipur, District Raipur, Chhattisgarh
2. Dean, Chhattisgarh Institute Of Medical Science (CIMS), Bilaspur, District Bilaspur, Chhattisgarh

---- Respondents

WPS No. 3854 of 2020

1. Chandraprakash Rathore, S/o. Shri Parmanand Rathore, Aged About 38 Years, Working As Dark Room Assistant At CIMS, Bilaspur, District Bilaspur, Chhattisgarh
2. Ramchandra Karsh, S/o. Shri Bodhiram Karsh, Aged About 39 Years, Working As Dark Room Assistant At CIMS Bilaspur, District Bilaspur, Chhattisgarh

---- Petitioners

Versus

1. State Of Chhattisgarh, Through The Principal Secretary, Department Of Health, Mahanadi Bhavan, Mantralaya, Atal Nagar, Naya Raipur, District Raipur, Chhattisgarh
2. Dean, Chhattisgarh Institute Of Medical Science (CIMS), Bilaspur, District Bilaspur, Chhattisgarh

---- Respondents

&

WPS No. 3857 of 2020

1. Nand Kishore Chandrakar, S/o. Shri Itwari Ram, Aged About 39 Years, Working As Radiographer At CIMS, Bilaspur, R/o. Uslapur, Bilaspur, District Bilaspur, Chhattisgarh
2. Tika Ram Matwale, S/o. Shri Sadhu Ram Matwale, Aged About 41 Years, Working As Radiographer At CIMS, Bilaspur, R/o. Jabdapara, Sarkanda Bilaspur, District Bilaspur, Chhattisgarh
3. Sandeep Kumar Verma, S/o. Shri Basant Lal Verma, Aged About 38 Years, Working As Radiographer At CIMS, Bilaspur, R/o. C/o. Shri K.K. Verma (Advocate) Nearby Shiv Mandir, Imlibhatha, Mahasamund, District Mahasamund, Chhattisgarh
4. Amar Sai, S/o. Shri Sahdev, Aged About 41 Years, Working As Radiographer At CIMS, Bilaspur, R/o. Through Omkar Singh Kshatri, Behind Holly Cross School, Indrasen Nagar Mangla, Bilaspur, District Bilaspur, Chhattisgarh

---- Petitioners

Versus

1. State Of Chhattisgarh, Through The Principal Secretary, Department Of Health, Mahanadi Bhavan, Mantralaya, Atal Nagar, Naya Raipur, District Raipur, Chhattisgarh
2. Dean, Chhattisgarh Institute Of Medical Science (CIMS), Bilaspur, District Bilaspur, Chhattisgarh

---- Respondents

For Petitioners	:	Mr. T.K. Jha, Advocate
For Respondents/State	:	Ms. Akanksha Jain, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

ORDER

01.10.2020

Heard

1. Since the cause of action and facts involved in these petitions are similar in nature, therefore, they are being heard together and decided by this common order.

2. Learned counsel for the petitioners submits that the matters pertain to consideration of petitioners' case for their confirmation upon completion of period of probation. It is contended that the petitioners were appointed in 2013-14 on different posts, therefore, for want of confirmation they are not being paid increment and it is stagnant.

3. State counsel opposes the argument and submits that the post may not be available and the same cannot be claimed as matter of right.

4. Whether or not an employee has satisfactorily completed the period of probation is the exclusive domain of the Appointing Authority and this Court is not going to pass any order for confirmation of any employee on successful completion or otherwise of the probation period.

5. In view of the order passed by this Court in *Khemendra Singh Dhruw v. Chhattisgarh Institute of Medical Sciences (CIMS) & Anr.* in WPS No.3367 of 2017 on 27.09.2017, I am not inclined to keep these petitions pending.

6. Accordingly, all the writ petitions are disposed of with observation that the respondents shall take decision with regard to the confirmation of the petitioners' service upon successful completion of the period of probation or

otherwise, at the earliest, preferably within a period of 4 months from today, according to the existing rules, which governs the service condition of the petitioners.

Sd/-
Goutam Bhaduri
Judge

Aks