

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 5654 of 2017

1. Ku. Jhanak Sahu D/o Shri Raghuram Sahu Aged About 30 Years R/o Shitlapara, Hatkeshar Road, District Dhamtari Chhattisgarh.
2. Ku. Khemin D/o Shri Narottam Lal Aged About 30 Years C/o Smt. Panchwati Streek 3, Block - 6 Sector 5 Bhilai District Durg Chhattisgarh.

---Petitioner(s)

Versus

1. State of Chhattisgarh Through Secretary Finance and Planning Department Secretariat, Mahanadi Bhawan New Raipur Police Station And Post Rakhi , Naya Raipur Chhattisgarh.
2. State of Chhattisgarh Through Principal Secretary, Public Health and Family Welfare Department Secretariat, Mahanadi Bhawan, New Raipur, Police Station And Post Rakhi, Naya Raipur Chhattisgarh.
3. Commissioner, Health Services Chhattisgarh Raipur Chhattisgarh.
4. Joint Director (Nursing) Directorate Health Services Chhattisgarh. Office Block - 1 Indrawati Bhawan 3rd Floor, New Raipur Police Station And Post Rakhi Naya Raipur Chhattisgarh.
5. Joint Director & Superintendent, Dr. Bhimrao Ambedkar Memorial Hospital, Raipur Chhattisgarh.
6. Director Medical Education Chhattisgarh Old Nurses Hostel, D K S Bhawan Premises, Raipur Chhattisgarh.
7. The Director, Treasury, Accounts and Pension, Indrawati Bhawan First Floor, Naya Raipur Chhattisgarh.

---Respondents

For Petitioners	:	Shri YC Sharma, Sr. Advocate along with Shri Ajay Chandra, Advocates.
For State	:	Shri Jitendra Pali, Dy. Advocate General.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

14.06.2021

1. The dispute in the present writ petition seems to be the inaction on the part of the respondents in granting the benefits as enshrined in the circular dated 11.09.1985 applicable to the Diploma Holder as also the Degree Holder Staff Nurse under the respondents Health Department.
2. According to the petitioners, vide circular dated 11.09.1985 the Diploma Holder Staff Nurses and Degree Holder Staff Nurses were entitled for 3 & 4 advance increments respectively. According to the petitioners, this circular is being implemented in its letter and spirit by the State of Madhya

Pradesh to all diploma and degree holder nurses working under the State of MP. So far as State of Chhattisgarh is concerned, since it was not being extended in the State of CG, there was a frequent and long standing demand raised by the petitioners and similarly placed persons.

3. Taking this frequent demands being raised on parity with the State of MP, a correspondence was made by the Finance Department vide Annexure P/11 dated 04.02.2015 to the Commissioner, Health Services State of CG directing him to find out whether in the State of MP the benefit is being extended or not. The Joint Director, Nursing, State of CG made a correspondence in this regard to the Commissioner, Health Services State of MP vide Annexure P/12 dated 10.04.2015 seeking information whether the circular dated 11.09.1985 is being implemented in the State of MP or not.
4. The Govt. of MP in turn vide Annexure P/13 dated 07.04.2016 intimated the Joint Director, Nursing, Chhattisgarh that the benefits of circular dated 11.09.1985 is being extended to newly appointed Staff Nurses also. Immediately on receipt of correspondence from the State of MP, the Joint Director forwarded the letter of the State of MP intimating about the decision applicable in the State of MP to the Finance Department, Chhattisgarh vide Annexure P/15 dated 25.11.2016. Thereafter, there is another correspondence made by the Finance Department to the Director, Treasury, Accounts and Pension, Raipur, vide Annexure P/16 dated 12.06.2017 enquiring from the Director, Treasury, Accounts and Pension as to whether any correspondence received from the State of MP in respect of grant of 3 and 4 advance increments to the Diploma/Degree Holders Staff Nurse appointed subsequent to 01.01.1986. However,

thereafter there seems to be no further decision taken by the State of Chhattisgarh.

5. Though the counsel for the State referred to Annexures R/1, R/2 and R/3 showing that the Govt. has already taken a decision, but this court finds that all those correspondences made, much before inter departmental communication started, as referred to in the preceding paragraphs and which perhaps seem to be with an intention as to whether the petitioners and similarly placed persons would be entitled for the benefits in terms of the circular dated 11.09.1985 or not.
6. Given the aforementioned development that have transpired and the fact that the State Govt. has not taken decision beyond the correspondence of the Finance Department dated 12.06.2017 to the Director, Treasury, Accounts and Pension, Raipur, this court is of the opinion that the writ petition therefore in the given factual backdrop can be disposed of directing the State Govt. to take appropriate decision in this regard. Accordingly, the respondents No.1 to 3 are directed to immediately scrutinize the claim of the petitioners and to take a decision on the correspondences that were initiated at the level of the Finance Department and Health Department in between the year 2013 to 2017. Let a decision be taken preferably within a period of four months from the date of receipt of copy of this order.
7. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge