

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 4954 of 2011

- Ramsay Paikra S/o Chaman Say Paikra, aged about 56 years, Working as Mess Servant, Office of the Civil Surgeon, District Jashpur, C.G.

----- Petitioner

Versus

- 1.State Of Chhattisgarh through the Secretary, Department of Health & Family Welfare, D.K.S. Bhawan, Mantralaya, Raipur, C.G.
- 2.The Director Directorate, Health Services Chhattisgarh, Raipur, C.G.
- 3.Chief Medical and Health Officer, District Hospital, Jashpur, C.G.
- 4.Shri Hari Prasad Dansean, Assistant Grade III, Office Of The Civil Surgeon, Jashpur, District Jashpur, C.G.
- 5.Shri Beg Singh Sidar, Assistant Grade,-III, Office of the Chief Medical and Health Officer, Jashpur, District Jashpur, C.G.
- 6.Shri Jugeshwar Ram, Assistant Grade-III, Office of the Chief Medical and Health Officer, Jashpur, District Jashpur, C.G.

----- Respondents

For Petitioner :- Mr. Pranjal Shukla, Advocate.
For State/Respondents No. 1- 3 :- Mr. Siddharth
Dubey, Dy. A.G.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

26/08/2021

1. Proceedings of this matter have been taken up through video conferencing.
2. Learned counsel for the petitioner submits that though the petitioner was working on the post of mess servant in the Department of Health and Family Welfare of the State w.e.f. 30.10.1979 but in the DPC held by respondent No.3 on 17.02.2010 the private respondents No.4 to 6 were considered on the post of AG-III and they were appointed but the petitioner's claim was ignored and he was not appointed which is illegal and without authority of law and he is entitled to be considered for promotion on the post of AG-III and, therefore, appropriate writ/direction be issued.

3. Mr. Siddharth Dubey, learned State counsel, submits that service condition of the petitioner including promotion is governed by Chhattisgarh Public Health and Family Welfare (Directorate of Health Services) Class III Ministerial Service Recruitment Rules, 1989 (in short "the Rules, 1989"). Since the petitioner was appointed as mess servant in the Department of Health and Family Welfare and, therefore, according to the Rules, 1989 the next promotional post of the mess servant/cook is Head Cook and the petitioner, if any, would get promotion on the post of Head Cook and cannot not get appointment as Assistant Grade-III and, therefore, the writ petition is liable to be dismissed.

4. I have heard learned counsel for the parties and considered their rival submissions and also perused the record with utmost circumspection.

5. Admittedly, the petitioner was working as a mess servant duly appointed according to the Rules, 1989 to the Schedule Annexed framed

under Rule 14 (ख) at Sr. No.42 the next promotional post of the cook/mess servant is Head Cook and not AG-III, therefore, the petitioner cannot claim appointment and promotion on the post of AG-III, so far as, respondents No.4 to 6 were working as peon and their promotional post is AG-III, as such, their promotion and appointment on the post of AG-III cannot be said to be erroneous.

6. In view of the aforesaid discussion, the instant writ petition deserves to be and accordingly dismissed leaving the parties to bear their own cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge

Ankit