

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 3392 of 2021

Manisha Kore W/o Ajay Kumar Kore Aged About 31 Years R/o Village
Mandhar, Tehsil And District Raipur 493111, Chhattisgarh

---- Petitioner

Versus

1. Chhattisgarh State Election Commission (Through Commissioner) Election Building, Sector 19, North Block, New Raipur Atal Nagar, District Raipur Chhattisgarh
2. Secretary Chhattisgarh State Election Commission, Election Building, Sector 19, North Block, New Raipur Atal Nagar, District Raipur, Chhattisgarh
3. State Of Chhattisgarh (Through Secretary, Department Of Health And Family Welfare) Mantralaya, Mahanadi Bhavan, Atal Nagar Raipur, District Raipur Chhattisgarh
4. Directorate Health Services (Through Director), Indravati Bhawan, Block 1, 3rd Floor Naya Raipur, District Raipur Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Pankaj Singh, Advocate
For Respondent 1 & 2	:	Mr. Venketesh Pandey, on behalf of Mr. R. S. Marhas, Advocates
For State/Res. 3 & 4	:	Mr. Amrito Das, Addl. AG

Hon'ble Shri Justice P. Sam Koshy

Order on Board

08/07/2021

1. The petitioner seems to be aggrieved by the discrepancy in the seniority list that has occurred.
2. According to the petitioner she was originally an employee under the Health Department of the State of Chhattisgarh appointed on 11.04.2013. Subsequently, the petitioner was sent on deputation in the office of the

respondent no.1 & 2. The petitioner's services have been absorbed vide order dated 18.03.2020. The grievance of the petitioner now is that the petitioner is being granted seniority under the respondent no.1 & 2 only from the date of absorption i.e. 18.03.2020 and her earlier services gets wiped off and thereby substantial damage would be caused to the seniority of the petitioner and also to the promotional avenues that she has.

3. Counsel for the petitioner submits that the issue involved in the present writ petition already has been settled by the Division Bench of this Court in the case of **Devsharan Dilliwar & Ors. Vs. HighCourt of Chhattisgarh & Anr.** in **WPS 3926/2005** decided on **19.10.2011**. Further contention of the petitioner is that pursuant to the judgment of the Division Bench of this Court, the State of Chhattisgarh has amended Rule 12 (2) (c) of the Chhattisgarh Civil Services (General Conditions of Services) Rules, 1961 and whereby the persons who have been absorbed in the department, their services rendered in the parent department also has been ordered to be protected so far as counting of seniority is concerned. Counsel for the petitioner submits that he has made detailed representation in this regard supported with all relevant documents to the respondent no.1 & 2 vide representation dated 15.07.2020 and it is more than about 1 year now, the representation till date has not been decided and respondents are now proceeding for holding the DPC for the next promotions.
4. The prayer that petitioner makes at this juncture is that let respondent no.1 & 2 decide the representation in accordance with the rules and regulations governing the field at the earliest before the DPC meets.
5. The prayer of the writ petition at this juncture stands allowed and writ petition at this juncture stands disposed of directing the respondent no.1 & 2 to consider the representation on its own merits at the earliest preferably

within a period of 60 days. Meanwhile, petitioner would also be at liberty to file additional representation supported with all relevant documents in support of her contentions.

6. With the aforesaid observation, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Rohit