

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 4101 of 2021

1. Dipika Xalxo W/o Nabor Xalxo Aged About 41 Years R/o LIG Falt No. 367, Block No. 16, Housing Board Colony, Kachna Raod, Raipur, Chhattisgarh
2. Smt. Pramila Kanwar W/o Kishore Kanwar Aged About 40 Years R/o H.No. 9 Fsl Colony, Police Line Near Pujari Park, Raipur, Chhattisgarh
3. Pushplata Dhruw D/o Ratnu Ram Dhruw Aged About 42 Years R/o Moti Nagar, Boriya Khurdh, Raipur, Chhattisgarh

---- Petitioners

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Helath And Family Welfare, Mantralaya, Mahanadi Bhavan, Atal Nagar, Raipur, Chhattisgarh, District : Raipur, Chhattisgarh
2. Directorate Of Medical Education, Through Director, Old Nurses Hostel, D.K.S. Mantralaya Premises, Raipur, Chhattisgarh, District : Raipur, Chhattisgarh
3. Additional Nursing Superintendent, Dr. Bhim Rao Ambedkar Memorial Hospital Raipur, Chhattisgarh, District : Raipur, Chhattisgarh
4. Joint Director And Superintendent, Dr. Bhim Rao Ambedkar Memorial Hospital, Raipur, Chhattisgarh, District : Raipur, Chhattisgarh

---- Respondents

For Petitioners	: Shri Akash Kumar Kundu, Advocate
For State	: Ms. Sunita Jain, G.A.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

09/08/2021

1. Aggrieved by the action on the part of the respondents in not granting proper seniority to the petitioners, the present writ petition has been filed.
2. The contention of the counsel for the petitioners is that they were all appointed by the State government and posted at the District Hospital and the Different Primary Health Center under the State

Government. Subsequently, the petitioners stood transferred to Dr. Bhim Rao Ambedkar Memorial Hospital at Raipur and the petitioners continue to discharge their duties at the said hospitals at Raipur. However, when the gradation list was being prepared, the names of the petitioners have been brought down placing them below some of the juniors who were appointed subsequently, which has given rise to the grievance of the petitioners.

3. According the counsel for the petitioners, the services rendered by the petitioners under the State Government before being transferred to the Dr. B.R. Ambedkar Memorial Hospital Raipur would and should not get wiped off. The petitioners would be entitled for protection of their seniority in-terms of the Rule 12 of the Chhattisgarh Civil Services (General Conditions of Services) Rules 1961. Counsel for the petitioner also relied upon the judgment of the Division Bench of this Court in the case of ***Devdarshan Dilliwar vs. High Court of Chhattisgarh and Ors., 2011 Lawsuit (Chh) 668***, pursuant to which the State of Chhattisgarh had amended Rule 12 of the aforementioned Rules of 1961 whereby services of the employees rendered under the parent department have been envisaged to stand protected.
4. The petitioners in the instant case have made a detailed representation/objections to the authorities concerned raising their grievances which is still pending consideration before the authorities. Considering the fact that representation of the petitioners is pending consideration, at this juncture the present writ petition is disposed of

directing the respondent No. 2 to 4 to take an appropriate decision on the claim of the petitioners for seniority from the initial date of appointment keeping in view Rule 12 of the aforementioned Rule 1961. The respondents No. 2 to 4 are expected to take a decision at the earliest preferably within a period of three months from the date of receipt of copy of this order.

5. The writ petition accordingly stands disposed of.

Sd/-

(P. Sam Koshy)
Judge

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