

(2019) 02 CHH CK 0123

Chhattisgarh High Court

Case No: Writ Appeal No. 78 Of 2019

Bhola Shankar Dhruw

APPELLANT

Vs

State Of Chhattisgarh And Ors

RESPONDENT

Date of Decision: Feb. 8, 2019

Hon'ble Judges: Ajay Kumar Tripathi, CJ; Parth Prateem Sahu, J

Bench: Division Bench

Advocate: Sunil Otwani, Siddharth Dubey

Final Decision: Allowed

Judgement

Ajay Kumar Tripathi, CJ

1. Heard learned counsel for the Appellant and learned Deputy Government Advocate for the State.

2. I.A. No. 1 of 2019 which is an application for condonation of delay of 428 days.

For the reasons indicated in paragraphs 6 and 7 of the said I.A. coupled with the fact that identically situated persons have already been granted relief

in W.A. No. 448 of 2017 and other analogous cases which was the case of Krishna Kumar Daharia vs. State of Chhattisgarh & Others and in the

interest of consistency of justice, the said I.A. is allowed.

3. The matter is thereafter heard on merits. For the reasons assigned in the aforesaid batch of writ appeals and the decision of Division Bench dated

24.09.2018 the present appeal is also allowed with the same set of relief which was granted to the Appellants of those writ appeals. The operative

part of the order is reproduced herein below:

15. In the facts and circumstances, we therefore, hold the order of termination dated 16.06.2016 passed by the CMHO, Baloda Bazar as well as the

order dated 27.09.2017 passed by the learned Single Judge upholding such decision of termination to be irrational and arbitrary and therefore, they

deserve to be set aside and are set aside. It goes without saying that all these Appellants will be reinstated in their service forthwith.

16. The respondents, however, are given liberty that they will issue individual notices and hold enquiry in relation to the appointments on the post so

made of all these terminated employees and this exercise cannot be a collective exercise because the authorities will have to identify as to which

appointment was irregular and which appointment was illegal in the enquiry. In the departmental proceeding to be held and on the findings thereon, the

law will take its course. The said enquiry will be concluded preferably within a period of six months.

17. Before disposing these appeals, the Court also directs all the appellants that on the notice so given to them by the Appointing Authority who is said

to be CMHO, Baloda Bazar, they will co-operate in the enquiry and will not unnecessarily delay the same on one pretext or the other.

4. Writ appeal is allowed.