

(2019) 02 CHH CK 0420

Chhattisgarh High Court

Case No: Writ Petition (S) No. 1893 Of 2012

Ramadhin Nishad

APPELLANT

Vs

State Of Chhattisgarh And Ors

RESPONDENT

Date of Decision: Feb. 22, 2019

Hon'ble Judges: Ajay Kumar Tripathi, CJ

Bench: Single Bench

Advocate: Vinod Deshmukh, Jitendra Pali, Faiz Kazi

Final Decision: Allowed

Judgement

Ajay Kumar Tripathi, CJ

1. Heard counsel for the Petitioner and counsel for the Respondents-State.

2. Annexure P/8 dated 20.01.2012 is an order passed by the Respondent No. 3 by which the salary of the Petitioner who is working on work charge

establishment has been withheld and he has been declared as an illegal appointee in pursuance of the circular dated 05.03.2008 and a new exercise for

fresh appointment was taken by the Respondent authorities.

3. It is the case of the Petitioner that on the basis of their earlier engagement on sanctioned vacant post and long continuance and period of work, they

came to be appointed on a regular establishment, however, for reasons best known to the Respondents they suddenly decided to annul that position

and reappoint the Petitioner subsequently from later year, by virtue of the order impugned.

4. Besides other arguments made on behalf of the Petitioner one of his submission is that since such a decision has serious civil consequences for him,

a unilateral decision without opportunity of hearing could not be passed against him because a settled position cannot be unilaterally unsettled behind the back of the Petitioner.

5. There is no argument made that the impugned order contained in Annexure P/8 was not an unilateral order whatever be the justification offered now by the State and in violation of principle of natural justice.

6. Since the said decision has been taken and communicated to the Petitioner in gross violation of principles of natural justice, the impugned order dated 20.01.2012, so far it relates to the Petitioner stands quashed.

7. Writ application is allowed.