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(2019) 02 CHH CK 0423

Chhattisgarh High Court

Case No: Writ Petition (S) No. 2636 Of 2012

Gaya Ram Ratre APPELLANT

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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/1 dated 17.04.2012 is a communication made to the Petitioner by virtue of which his earlier order of appointment was held to be illegal
- 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 for 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/1 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 17.04.2012 and 20.01.2012 (Annexure-P/2) stand quashed.
- 7. Writ application is allowed.