

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 411 of 2013**

1. Chhattisgarh State Power Holding Company Limited, through its Managing Director, Chhattisgarh State Power Holding Company Limited [a Govt. of Chhattisgarh undertaking, (a successor company of the CSEB)], Raipur, District Raipur, Chhattisgarh.
2. Executive Director, Chhattisgarh State Power Distribution Limited, Jagdalpur, District Jagdalpur, Chhattisgarh (erstwhile Madhya Pradesh Electricity Board, Jagdalpur, M.P.).
3. Chief Engineer, Chhattisgarh State Power Distribution Limited, Raipur, District Raipur (Chhattisgarh) (erstwhile Madhya Pradesh Electricity Board, Raipur, M.P.)
4. Superintending Engineer (O&M) Chhattisgarh State Power Distribution Limited, Jagdalpur, District Jagdalpur, Chhattisgarh (erstwhile Madhya Pradesh Electricity Board, Jagdalpur, District Bastar, M.P.).

---- Appellants**Versus**

1. Anil Kumar Chandrakar S/o Shri B.P.Chandrakar, aged about 30 years, Junior-Engineer (O&M) (dismissed) Madhya Pradesh Electricity Board, Dantewada, Bastar, Madhya Pradesh.
2. Madhya Pradesh Electricity Board, Through Chairman, MPEB Rampur, Jabalpur, Tahsil and District Jabalpur, Madhya Pradesh.

---- Respondents

For Appellant	:	Shri Vinod Deshmukh, Advocate.
For Respondent No. 1	:	Shri V.G.Tamaskar, Advocate.

Hon'ble Shri Navin Sinha, Chief Justice
Hon'ble Shri Prashant Kumar Mishra, J.

Judgment on Board**Per Navin Sinha, Chief Justice****11/09/2015**

1. I.A. No. 1 has been filed to condone delay of 53 days in filing the present appeal. Considering the duration, delay is condoned.

2. The present appeal arises from order dated 12.3.2013 allowing Writ Petition No. 4346 of 1999 holding that the order of termination was not passed by the competent authority but granting liberty to the Appellant to proceed afresh in accordance with law.

3. Learned Counsel for the Appellant submits that the circular dated 30.11.1985 has not been properly interpreted by the Learned Single Judge by which the power of appointment of a diploma trainee was vested in the Superintending Engineer in lieu of the Chief Engineer earlier. The Learned Single Judge considered the matter of appointment of Respondent No. 1 by order dated 6.3.1991 as a trainee and did not take into consideration the temporary appointment order dated 22.4.1993.

4. We have heard Learned Counsel for Respondent No. 1 also in opposition to the appeal.

5. The Respondent No. 1, against termination dated 28.2.1998 preferred an appeal in which he specifically took the ground that the order had not been passed by the competent authority. The appeal was disposed in a cryptic routine manner without any discussion much less with regard to the ground taken for lack of competence in the Superintending Engineer.

6. If the Superintending Engineer was vested with powers of appointment of diploma trainees, we fail to understand how the appointment order of the Respondent No. 1 came to be issued on 6.3.1991 by the Chief Engineer. The order dated 22.4.1993 was only a sequel to the same and we are not inclined to read it in isolation divorced from order dated 6.3.1991 which remains unexplained.

7. We find no merit in this petition. It is dismissed.

Sd/-
(Navin Sinha)
CHIEF JUSTICE

Sd/-
(Prashant Kumar Mishra)
JUDGE