

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition No. 2685 of 2006**

Bachchan Rai, s/o late Shri Mahendra Rai, aged about 59 years, presently posted as Deputy General Manager, Chhattisgarh Tourism Board, Paryatan Bhawan, Indira Gandhi Marg, Raipur (C.G.), R/o Samadhan Bhawan, Shanti Nagar, behind Ram Mandir, Raipur (Chhattisgarh)

---- Petitioner**Versus**

1. State Of Chhattisgarh through Secretary, Department of Tourism Mantralaya, Dau Kalyan Singh Bhawan, Raipur (Chhattisgarh)
2. Chhattisgarh Tourism Board, Paryatan Bhawan, Indira Gandhi Marg, Raipur (C.G.), Raipur through Managing Director, Raipur (Chhattisgarh)
3. Shri Sanjay Singh, Senior Manger (Tour Operator), Chhattisgarh tourism Board Paryatan Bhawan, Indira Gandhi Marg, Raipur (C.G.)
4. Shri M.G. Shrivastava Senior Manager (Accounts), Chhattisgarh Tourism Board Paryatan Bhawan, Indira Gandhi Marg, Raipur (C.G.)

---- Respondents

For Petitioner	: Shri Ashish Shrivastava, Advocate.
For Respondent No.1	: Shri Gary Mukhopadhyay, Deputy Government Advocate.
For Respondent No. 2	: Ms. Pushpa Dwivedi, on behalf of Shri A.S.Kachhwaha, Advocate.
For Respondent No. 4.	: Shri Rakesh Pandey, Advocate.

Hon'ble Shri Navin Sinha, Acting Chief Justice**Order On Board****20/03/2015**

1. Heard Learned Counsel for the Petitioner and the Respondents.
2. The Petitioner is aggrieved by order dated 12.05.2006 reverting him to the post of Superintendent in the pay-scale of Rs. 6500-9000/- from the rank of Deputy General Manager in the pay-scale of Rs. 12,000-16,500/-.
3. Learned Counsel for the Petitioner submits that the order is bad on the face of

it for being ex-parte in nature without any opportunity to show cause. It was to have adverse consequence on the Petitioner as he was promoted to the rank of Deputy General Manager. No order adverse to a person can be passed in violation of principles of natural justice. An order for reversion has adverse consequences by revocation of the promotion granted earlier.

4. Learned Counsel for the Respondents submit that the order dated 12.05.2006 was reasoned in nature holding that there was no post of Administrative Officer. The Petitioner was holding the substantive post of Superintendent and there was no occasion to grant him pay scale of Deputy General Manager by upgradation of a non-existing post of Administrative Officer. The counter-affidavit filed on behalf of the Respondents does not deny that the impugned order dated 12.05.2006 was not preceded by a show cause notice with an opportunity of defence as specifically alleged in the writ petition.

5. The Petitioner is stated to have superannuated in the meantime. Master and servant relationship has ceased. No orders can be passed today granting fresh liberty to the Respondents to issue show cause notice and decide matters afresh.

6. The order dated 12.05.2006 reverting the petitioner without opportunity to show cause being in complete violation of the principles of natural justice having adverse consequences for him is held to be *non est* like a still unborn child which never came into existence. The court only performs the formal burial of the order dated 12.5.2006 without any need to strike it down as it never came into existence. The Petitioner is held entitled to all consequential benefits in service and post retirement.

7. The writ petition is allowed.

ACTING CHIEF JUSTICE