

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3108 of 2016

1. Smt. Reena Jha W/o Shri Navneet Jha, Aged About 38 Years Assistant Grade III, Chhattisgarh State Consumer Disputes Redressal Commissionr/o Sector 2, Street No 2, Bhagwati Gali Professor Colony, Raipur, District Raipur Chhattisgarh
2. Harish Chandra Deepak S/o Shri N.D. Deepak, Aged About 39 Years Assistant Grade III, Chhattisgarh State Consumer Disputes Redressal Commission R/o Adarsh Nagar, Police Station Mova, Distirct Raipur Chhattisgarh
3. Vinod Kumar Sahu, S/o Shri Kanhaiya Lal Sahu, Aged About 35 Years Assistant Grade III, Chhattisgarh State Consumer Disputes Redressal Commission R/o L.I.G. 349, Sector 03, Housing Board Colony, Saddu, Raipur District Raipur Chhattisgarh
4. Sunil Sika S/o Shri Bhuvano Sika, Aged About 38 Years Assistant Grade III, Chhattisgarh State Consumer Disputes Redressal Commission R/o Bayron Bazar, Kundra, Para, Raipur District Raipur Chhattisgarh
5. Dhansingh Sahu, S/o Late Shri Hagru Sahu, Aged About 39 Years Assistant Grade III, Chhattisgarh State Consumer Disputes Redressal Commissionr/o Kailashpuri, Near Budha Talab, Sahu Murti Bhandar Wali Gali, New Bhramपुरi, Raipur, District Raipur Chhattisgarh

---- Petitioners

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Food, Civil Supplies And Consumer Protection, Mahanadi Bhawan, New Raipur District Raipur Chhattisgarh
2. Chhattisgarh State Consumer Dispute Redressal Commission, Through Registrar, Chhattisgarh State Consumer Dispute Redressal Commission, Behind New Bus Stand Pandri, Raipur, District Raipur Chhattisgarh

---- Respondents

For Petitioners	:	Shri Anup Majumdar, Advocate
For State	:	Shri Gary Mukhopadhyay, Dy. Govt. Advocate

S.B.:Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

22/07/2016

Heard on admission.

1. This petition has been filed by the petitioners apprehending termination of their services in view of internal communication dated 7.7.2016 of the State Govt. addressed to the Registrar, Chhattisgarh State Consumer Dispute Redressal Commission.
2. According to learned counsel for the petitioners, the petitioners were appointed as Assistant Grade-III against various vacancies in the Consumer Commission. They have learnt that on certain complaint made by the State Scheduled Caste & Scheduled Tribe Commission that in the matter of appointment, roster of reservation has not been followed, a Scrutiny Committee was constituted by the Commission under the instructions of the State Govt., which sent the report to the State Govt. Thereafter, the State has issued letter dated 7.7.2016 for termination. He submits that internally, the decisions which have been taken, are likely to result in adverse order against the petitioners. The petitioners have approached this Court as they are apprehending that their services may be terminated without affording an opportunity of hearing.
3. The complaints, report of the Scrutiny Committee and letter dated 7.7.2016 of the State Govt. shows that action of termination is contemplated on the allegation of the appointments having been made in violation of roster of reservation.
4. Where the appointments are contrary to rules or reservation, it is within the authority of the respondent to terminate the services. However, before passing any order, the petitioners who were already appointed and working, are entitled to an opportunity of hearing in view of judgment of the Supreme Court in the case of **Mohinder Singh Gill and Anr. Vs. The Chief Election Commissioner, New Delhi and Ors.** (AIR 1978 SC 851).
5. Learned counsel for the petitioners sought to justify before this Court that the appointments of the petitioners are not illegal. I am not inclined to go into aspect of merits. This may be examined by respondent No.2.
6. It is always presumed that the authority shall act in accordance with law. There

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is no reason for this Court to presume that the respondents shall proceed to terminate the petitioners without affording opportunity of hearing.

7. Subject to the observations made herein-above, this petition is finally disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Praveen