

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WRIT APPEAL NO. 627 OF 2015

Yadav Dewangan, S/o Shri Komal Prasad Dewangan, aged about 35 years,
R/o C/o Dinesh Kirana Store, Purana Dhamtari Road, Tikrapara, Thana
Tikrapara, District Raipur (C.G.)

... Appellant

Versus

1. State of Chhattisgarh, through the Secretary, Department of Labour,
Mantralaya, New Raipur, Raipur (C.G.)
2. The Director, Employee State Insurance Services, D-290/2005, Tagore
Nagar, Raipur, District Raipur (C.G.)
3. The Insurance Medical Officer, Employee State Insurance Services,
Mandirhasaud, District Raipur (C.G.)

... Respondent

For Appellant	:	Mr. Bharat Rajput, Advocate.
For Respondent-State	:	Mr. B. Gopa Kumar, Dy. Advocate General.

Hon'ble Shri Navin Sinha, Chief Justice
Hon'ble Shri Justice P. Sam Koshy

Judgment on Board

Per NAVIN SINHA, C.J.

13/01/2016

1. The present appeal arise from common order dated 28.9.2015
dismissing Writ Petition (S) No. 6472 of 2014 and analogous cases
[including Writ Petition (S) No. 6472 of 2014 by the present Appellant]
declining to interfere with the order discharging the Appellant who was a
probationer.
2. I.A. No. 1 of 2015 has been filed to condone delay of 8 days in
filing the appeal. Considering the duration, delay is condoned.
3. The questions of law involved for consideration have already
been considered in detail by us in Writ Appeal No. 599 of 2015
disposed on 15.12.2015 holding that the initial enquiry was ex-parte in
nature. The order of discharge treating persons like the Appellant as
probationer was found to be punitive and stigmatic in nature after lifting

the veil, and that the final order was at complete variance with the grounds mentioned in the show cause notice because of which the impugned order of removal dated 19.11.2014 couched in innocuous language was set aside but without prejudice to the rights of the Respondents afresh in accordance with law.

4. For like reasons as discussed in Writ Appeal No. 599 of 2015, the present appeal is also allowed but without prejudice to the rights of the Respondents afresh in accordance with law.

Sd/-
(Navin Sinha)
Chief Justice

Sd/-
(P. Sam Koshy)
Judge