

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Appeal No.686 of 2015

Shadab Khan, son of Late Anwar Ahmed Khan, aged about 35 years,
R/o Quarter No.1-15, Penshanbada, Police Line, Thana City
Kotwali, Tahsil and District Raipur, Chhattisgarh

---Appellant

versus

1. State of Chhattisgarh through the Secretary, Department of Labour, Mantralaya, New Raipur, Raipur, Chhattisgarh
2. The Director, Employee State Insurances Services, D – 290/5, Taigore Nagar, Raipur, District Raipur, Chhattisgarh
3. The Directorate, Employee State Insurance Services, Raipur, District Raipur, Chhattisgarh

---- Respondents

For Appellant : Shri Bharat Rajput, Advocate
For State/Respondents : Shri B. Gopa Kumar, Deputy Advocate General

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

Judgment on Board

Per Navin Sinha, Chief Justice

5/1/2016

1. The present appeal arises from common order dated 28.9.2015 dismissing Writ Petition (S) No. 204 of 2015 and analogous cases (including Writ Petition (S) No.6473 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 33 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