

HIGH COURT OF CHHATTISGARH, BILASPUR

REVP No.11 of 2016

Mehattar Sahu S/o Shri Rajpal Sahu, Aged About 61 Years R/o Village
Prakaspur, Post Chichola, Tahsil Khairagarh, District Rajnandgaon
(Chhattisgarh).....(Petitioner)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Public Works Department,
D. K. S. Bhawan, Mantralaya Raipur, Chhattisgarh (Now Mahanadi
Bhawan, New Raipur)
2. The Executive Engineer, Public Works Department (B & R) Khairagarh,
District Rajnandgaon (Chhattisgarh).....(Respondents)

---- Respondents

For Petitioner : Shri PKC Tiwari, Sr. Adv. With Shri Kripesh Kela, Adv.
For Respondent/State: Shri Sangharsh Pandey, Dy.GA

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

24/06/2016

Learned counsel for petitioner submits that vide order dated 17-12-2015, the writ petition (WP(L)No.4133 of 2007) was dismissed as having been rendered infructuous whereas the other relief claimed by the petitioner was required to be considered. He submits that even though, no relief by way of reinstatement could be granted, if the contention of the petitioner is accepted, he would nevertheless be entitled to financial benefits and continuity of service up to the age of 62 years. It is also submitted that for the reason stated in the petition, arguing counsel could not appear when the matter was called out for hearing and therefore, in the interest of justice, an opportunity of hearing may be afforded to the petitioner to contest the matter on merits.

2. On the other hand, learned State counsel opposed the prayer and submits that as no one represented the case of the petitioner, the case was closed.

3. Taking into consideration that the petitioner claimed various benefits on the ground that he was entitled to continue in service up to the age of 62 years, placing reliance upon the judgment of this Court in the case of ***Govind and others vs. State of CG and others***¹, I am of the opinion that opportunity of hearing should be granted to the petitioner to contest the matter on merits to advance the cause of justice. Therefore, taking into consideration the ground which has been stated in the petition that the counsel could not represent the case of the petitioner when the case was called out for hearing, it would be in the interest of justice to afford opportunity of hearing to the petitioner to argue the case on merits. Consequently, order dated 17-12-2015 passed by this Court in W.P.(L)No.4133 of 2007 is hereby recalled and the matter is restored to its original number.

4. Accordingly, the petition is allowed.

SD/-

Manindra Mohan Shrivastava
J U D G E