

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 668 of 2015**

Shyam Lal Bariha S/o Etwaru Bariha, Aged About 36 Years By Occupation E S I Service Insurance Medical Officer, Rajnandgaon R/o Village Jharmunda, Post Office Aarangi, P. S. Basana, Tahsil Pithora, District Mahasamund (Chhattisgarh)

---- Appellant**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Labour, Mahanadi Mantralaya, Naya Raipur, Post Office And Police Station, Naya Raipur, Distt. Raipur, (Chhattisgarh)
2. Director, Employees State Insurance Service, Directorate, D/ 290 - 5, Tagore Nagar, District Raipur (Chhattisgarh)
3. The Superintendent, E S I Hospital, District Rajnandgaon (Chhattisgarh)

-----Respondents

For Appellant:	Shri Parag Kotecha, Advocate.
For Respondents:	Shri B. Gopa Kumar, Deputy Advocate General.

Hon'ble The Chief Justice
Hon'ble Shri Justice P. Sam Koshy

Judgment on Board**Per Navin Sinha, Chief Justice****4/1/2016**

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.256 of 2015 by the present Appellant) declining to interfere with the order discharging the Appellant who was a probationer.
2. IA No.1 of 2015 has been filed to condone delay of 2 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