

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition No.2185 of 2004

A.K. Sahu, S/o Shri D.S. Sahu, aged about 55 years, working as Executive Engineer (O&M), Chhattisgarh State Electricity Board, Bhatapara Division, Bhatapara, District Raipur (C.G.)

---- Petitioner

Versus

1. C.S.P.D.C.L., Through General Manager, C.S.P.D.C.L., Headquarter Raipur, District Raipur (C.G.)
2. C.S.P.D.C.L., Through Additional Manager (H.R.), C.S.P.D.C.L., Headquarter Raipur, District Raipur (C.G.)

---- Respondents

For Petitioner: Mr. Keshav Dewangan, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

06/11/2017

1. In a regular departmental enquiry held against the petitioner, the petitioner was inflicted the penalty of staying next promotion for a period of two years. He preferred appeal before the erstwhile Board and by the impugned order dated 29-1-2004, the appeal has been rejected.
2. Learned counsel for the petitioner submits that the appeal has been dismissed on non-speaking and unreasoned order and without meeting with the grounds raised in the memo of appeal.
3. I have heard learned counsel for the petitioner.
4. A careful perusal would show that appeal has been dismissed by an unreasoned and non-speaking order and no reason has been assigned. Appeal is an important right of a delinquent employee which ought to have been adjudicated by the appellate authority by meeting with all the grounds taken in the memo of appeal and

which has not been done in the present case and in one line order holding that the Board has decided to reject the appeal, the appeal has been dismissed, which is not permissible in law. The appeal ought to have been considered strictly by recording reasons and considering the material placed by the petitioner before the Board.

5. As a fallout and consequence of aforesaid discussion, the appellate order Annexure P-5 dated 29-1-2004 is hereby set aside and the respondents are directed to consider the appeal afresh after giving opportunity of hearing to the petitioner within a period of one month from the date of receipt of a copy of this order.
 6. The writ petition is allowed to the extent indicated herein-above.
- No order as to cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge