

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition No.1346 of 2005**

Dinesh Tripathi, aged about 48 years, S/o Shri K.A. Tripathi, R/o Sector No.2, Block No.12, House No.67 Kashiram Nagar, Raipur, working as Driver in Chhattisgarh State Garage, Department of Home, Government of Chhattisgarh, Raipur.

---- Petitioner**Versus**

1. State of Chhattisgarh through the Secretary, Department of Home Affairs, DKS Bhawan, Raipur (CG).
2. State of Madhya Pradesh through the Secretary, Department of Home Affairs, Vallabh Bhawan, Bhopal (MP).
3. Superintendent Madhya Pradesh State Garage, Jahangirabad, Bhopal (MP).
4. Superintendent Chhattisgarh State Garage DKS Bhawan, Raipur.

---- Respondents

For Petitioner : Mr. R.S. Marhas, Advocate
 For State : Mr. Mazid Ali, Panel Lawyer
 For Resp. No.2 & 3 : Mr. Sachin Singh Rajput, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal
Order On Board

02/11/2017

(1) Learned counsel appearing for the petitioner would submit that against the order of punishment dated 01.03.2004, the petitioner has made representation before the appellate authority, but the same has not been considered and decided by speaking and reasoned order and, therefore, the impugned order is liable to be set aside.

(2) Learned counsel appearing for the respective respondents would support the impugned order and oppose the submission made by learned counsel for the petitioner.

(3) I have heard learned counsel appearing for the parties, considered their rival submission made herein above and also gone through the impugned order with utmost circumspection.

(4) Admittedly, the petitioner's representation has not been considered and decided properly and representation has been rejected in one line order stating that it has no force, which is not a correct way of deciding representation, therefore, in the interest of justice, the impugned order is liable to be and is hereby set aside. The matter is remitted back to the appellate authority to hear the petitioner's representation afresh and to consider and pass order in accordance with law, expeditiously preferably within a period of 30 days from the date of receipt of certified copy of this order.

(5) With the aforesaid observation, the writ petition stands finally disposed of. No order as to costs.

Sd/-

(Sanjay K. Agrawal)
Judge

L/-