

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 2559 of 2017**

- S.L. Kanwar S/o. Late Shri Dharam Singh Kanwar, Aged About 53 Years R/o. Office Of Sub Divisional Officer, Rural Engineering Services, Sub- Division Bharatpur, Korea, District Korea (Chhattisgarh)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through : Secretary, Panchayat & Gramin Vikas Vibhag, Mahanadi Bhawan, Mantralaya, Capital Complex, New Raipur, District Raipur (Chhattisgarh)
2. Chief Engineer, Rural Engineering Services, Vikash Bhawan, Raipur, District Raipur (Chhattisgarh)
3. Superintending Engineer, Rural Engineering Services, Circle Sarguja, District Sarguja (Chhattisgarh)
4. Executive Engineer, Rural Engineering Services Division Korea, District Baikunthpur, Korea (Chhattisgarh)

---- Respondents

For Petitioner:

Mr. M. Paranjpe, Advocate

For State:

Mr. B.Gopa Kumar, Dy. Advocate General

Hon'ble Shri Justice P. Sam Koshy**Order on Board****13.06.2017**

1. The challenge in the present Writ Petition is the order dated 27.05.2017. Vide the said impugned order the promotion order issued to the Petitioner dated 13.11.2014 has been cancelled and reverted back to his earlier post.
2. The sole ground of reversion as is reflected from the

impugned order is non-furnishing of the details of immovable property by the Petitioner. The Petitioner in the Writ Petition has specifically pleaded that he has furnished these details to the Respondent authorities. That without even giving an opportunity for explaining or even justifying whether it has been furnished or not, the impugned order has been passed.

3. It is settled position of law that any action which has a civil consequences, an opportunity of hearing has to be provided to the concerned employee. In the instant case admittedly no such opportunity has been given to the Petitioner and the impugned order has been passed straightaway in utter violation of the basic principles of natural justice.
4. Learned State Counsel on verification of the contents of the Petition on the advance notice, admitted the fact that there appears that the Petitioner has not been granted an opportunity to defend or explain so far as the alleged non disclosure of the details of the immovable property is concerned.
5. In view of the aforesaid facts, this Court is of the opinion that the impugned order would not be sustainable as it has been passed in violation of basic principles of natural justice and same is accordingly set aside /quashed.
6. However, the State Government is granted the liberty, if they

so desire, may take appropriate action against the Petitioner for non-disclosure of the details of the immovable property after affording an opportunity of hearing to the Petitioner.

7. The Writ Petition is accordingly allowed and disposed off.

Sd/-
(P. Sam Koshy)
VACATION JUDGE