

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No.4570 of 2017

- Kuldeep Shankar Behra S/o Dashrath Behra, Aged About 48 Years Presently Posted And Working As Lecturer (Panchayat) High School, Oraimuda, Block Tamnar, District Raigarh, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Panchayat & Rural Development, Mahanadi Mantralaya, Naya Raipur, Post Office & Police Station Naya Raipur, District Raipur, Chhattisgarh
2. Zila Panchayat Raigarh, District Raigarh, Through The Chief Executive Officer, Zila Panchayat, Raigarh, District Raigarh, Chhattisgarh
3. Sushil Kumar Patel, Teacher (Panchayat) Secondary School, Raikura, Block Gharghoda, District Raigarh, Chhattisgarh

---- Respondents

For Petitioner	:	Shri B. D. Guru, Advocate
For Respondent No.1/State:	:	Shri Satish Gupta, GA
For Respondent No.2	:	Shri Shashank Thakur, Advocate
For Respondent No.3	:	Shri D. R. Patel, Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

07/11/2017

Heard.

2. This petition has been filed by the petitioner assailing correctness and validity of the impugned order dated 24-08-2017, by which, promotion of the petitioner has been cancelled.

3. In response to petitioner's main contention that his promotion order has been cancelled without affording him any opportunity of hearing, resulting in violation of principles of natural justice, learned counsel for respondent No.1/State did not dispute this factual assertion. He, however, submits that in case, the impugned order is not tenable on that ground, respondent No.2 may be allowed to proceed to take

appropriate steps against the petitioner, after affording opportunity of hearing.

4. Learned counsel for respondent No.3 submits that though opportunity of hearing was not given to the petitioner, but his promotion order has rightly been cancelled by the respondent No.2, because he was wrongly granted promotion.

5. In that view of admitted position that no opportunity of hearing was afforded, I am inclined to allow this petition only on the ground of violation of principles of natural justice in as much as promotion order of the petitioner has been cancelled without hearing him.

6. Accordingly, this petition is allowed. Impugned order dated 24-08-2017 (Annexure P/1) is hereby set aside. It would be open for the respondent No.2 to proceed against the petitioner, after affording him due and proper opportunity of hearing. It would be also open for the respondent No.2 to hear respondent No.3 before taking final decision in the matter.

SD/-
(Manindra Mohan Shrivastava)
Judge