

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**W.P. No. 1078 of 2006**

Lachchhiram Dewangan aged about 38 years, S/o. Shri Keshoram Dewangan, B.Sc.(Biology), Upper Division Teacher (Science), Government Higher Secondary School, Village – Manpur, District Rajnandgaon (Chhattisgarh).

---Petitioner**Versus**

1. State of Chhattisgarh, through : Secretary, Scheduled Tribe Development Department, Government of Chhattisgarh, Mantralaya, D.K.S. Bhawan, G.E. Road Raipur (Chhattisgarh).
2. Commissioner / Director, Tribal Welfare Department, Government of Chhattisgarh, Mantralaya D.K.S. Bhawan, Raipur (Chhattisgarh).
3. The Collector, Scheduled Tribe, Scheduled Caste and Back Class Department, Collectorate, Rajnandgaon (Chhattisgarh).
4. Assistant Commissioner, Scheduled Tribes Development, Government of Chhattisgarh, Rajnandgaon (Chhattisgarh).
5. Shri Anil Kumar Pandhre (Science U.D.T.), Head Master, Government Middle School, Khadgaon, District Rajnandgaon (Chhattisgarh).

---Respondents

For Petitioner : Mr. V. G. Tamaskar, Advocate.

For State : Mr. Arun Sao, Dy. Advocate General.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****31.10.2017**

1. Learned counsel appearing for the petitioner would submit that impugned order revoking the promotion of the petitioner has been passed without giving him opportunity of hearing.

2. Learned counsel for respondent/State would support the impugned order.

3. I have heard the learned counsel for the parties.

4. The respondent/State in its return has clearly stated that petitioner has got the promotion by making misrepresentation and order of promotion is passed without approval of competent authority, therefore, an opportunity of being heard was provided to him by issuing show cause notice to which petitioner replied and thereafter impugned order revoking the order of promotion was passed. It has also been stated that case of respondent No.5 is different from the case of petitioner as such petitioner cannot claim parity with the respondent No.5.

5. In view of clear-cut stand taken by State, it is apparent that petitioner was afforded due opportunity of hearing before revoking his order of promotion. However, the petitioner is at liberty to make a representation to the competent authority for redressal of his grievance. If such representation is made before the competent authority, in that event the competent authority shall consider and decide that representation, expeditiously.

6. With the aforesaid observation, the writ petition stands finally disposed of.

Sd/-

(Sanjay K. Agrawal)
Judge

