

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition No. 1618 of 2005**

Ram Prasad Dwivedi, S/o Shri Kanhaiyalal Dwivedi, aged about 45 years, presently posted as Aamin, Minimata Hasdeo Bango Nahar, Division No. 4, Dabhra, District Janjgir (C.G.)

---- **Petitioner****Versus**

1. State of Chhattisgarh, through Secretary, Water Resources Department, D.K.S. Bhawan, Raipur.
2. Engineer-in-Chief, Water Resources Department (C.G.), Sihawa Bhawan, Civil Lines, Raipur.
3. Chief Engineer, Minimata Hasdeo Bango Project, Bilaspur.
4. The Executive Engineer, Minimata Bango Canal Division No. 4, Dabhra, District Janjgir.

---- **Respondents**

For Petitioner: Mr. Tridib Bhattacharya, Advocate.
 For Respondents/State: Mr. Syed Majid Ali, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****25/10/2017**

(1) By the impugned order dated 2.4.2007, order of petitioner's regularization dated 29.6.2004 has been revoked.

(2) Learned counsel for the petitioner submits that the petitioner has filed reply to show-cause notice issued to him and thereafter, the enquiry was conducted but the copy of enquiry report was not supplied to him and by unreasoned and non-speaking order, his order of regularization dated 29.6.2004 has been revoked, which is unsustainable and bad in law.

(3) Per contra, counsel for the State opposes the submission and would support the impugned order.

(4) The petitioner was regularized by order dated 29.06.2004 and after giving show cause notice to him, it appears from the record that enquiry was conducted and the enquiry report was submitted on 30.03.2005 and considering the enquiry report, petitioner's order for regularization dated 29.06.2004 has been revoked but the copy of enquiry report was not supplied to the petitioner. Apart from this, order of revocation has been passed by non-speaking order and, therefore, impugned order is liable to be set aside.

(5) Accordingly, the impugned order dated 2.4.2005 is set aside. The matter is remitted back to respondent No. 2- Engineer- in-Chief, who will supply copy of enquiry report to the petitioner and, thereafter, fresh order shall be passed after affording due opportunity of hearing to the petitioner and affected parties expeditiously preferably within a period of 45 days from the date of receipt of certified copy of this order. The petitioner is also at liberty to file additional representation, if any.

(6) The writ petition is allowed to the extent indicated hereinabove.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

