

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition No. 2402 of 2006**

1. Uttam Das Vaishnav, Aged about 48 years, S/o Late Shri K.D. Vaishnav, R/o. Block Colony, Tah. - Arang, Distt. Raipur (C.G.)
2. Panna Das Vaishnav, Aged about 51 years, S/o Late Shri K.D. Vaishnav, R/o. Chhattisgarh Nagar, Tikara Para, Distt. Raipur (C.G.)

---- Petitioners**Versus**

1. State of Chhattisgarh, Through- Secretary, School Education Department, D.K.S. Bhawan, Mantralaya, Raipur (C.G.)
2. Principal Secretary, General Administration Department, D.K.S. Bhawan, Mantralaya, Raipur (C.G.)
3. Director, Public Instructions, Pension Bada, Raipur (C.G.)
4. District Education Officer, District Education Office, Pension Bada, Raipur (C.G.)

---- Respondents

For Petitioners : Shri J.N. Nande, Advocate.
 For Respondents/State : Shri Avinash Singh, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****07/05/2018**

(1) The petitioners were absorbed from Chhattisgarh Infrastructure Development Corporation to District Education Office on the posts of Assistant Grade-III by order dated 28.06.2003. The order of absorption was withdrawn on 21.04.2006 by the State Government. Questioning that order, instant writ petition has been filed by the petitioners.

(2) Learned counsel for the petitioners would submit that without assigning any reason and without giving opportunity of hearing to the petitioners, order of absorption has been recalled, which is bad and unsustainable in law and is liable to be set aside.

(3) On the other hand, learned counsel appearing for the State would submit that on the basis of order dated 8th March, 2006, order of absorption has been withdrawn by the State Government.

(4) I have heard learned counsel appearing for the parties and considered their rival submissions made hereinabove and also gone through the record with utmost circumspection.

(5) It is undisputed position on record that petitioners' order of absorption has been recalled without affording due opportunity of hearing, which involves civil consequences. I am of the view that opportunity of hearing ought to have been afforded before recalling the order of absorption of the petitioners, therefore, the impugned order dated 21.04.2006 is liable to be and is hereby set aside. The matter is remitted to the State Government to consider the matter afresh after giving due opportunity of hearing to the petitioners in accordance with law.

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

Sd/-

(Sanjay K. Agrawal)

Judge

D/-

