

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 2575 of 2010**

1. Motilal Sahu, S/o. Shri Gourkaran Sahu, Aged about 32 years, R/o. 25 years, New Colony, Kirandul, District South Bastar, Dantewada, Chhattisgarh
2. Kamal Kumar Yadav, S/o. Mohanlal Yadav, Aged about 28 years, R/o. Gajraj Camp, Kirandul, District South Bastar, Dantewada, Chhattisgarh
3. Sunil Kumar Jain, S/o. Khaitmal Jain, Aged about 35 years, R/o. Ring Road No.4, Kirandul, District South Bastar, Dantewada, Chhattisgarh
4. Shri Gouri Shanker Tiwari, S/o. Shri S.D. Tiwari, Aged about 24 years, R/o. Patal Nagar, Kirandul, District South Bastar, Dantewada, Chhattisgarh
5. Sumant Kumar Patel, S/o. Ramsiya Patel, Aged about 27 years, R/o. Gajraj Camp, Kirandul, District South Bastar, Dantewada, Chhattisgarh
6. Ankaal Ram Netam, S/o. Sukhlal Netam, Aged about 35 years, R/o. Ward No.5, Kirandul, District South Bastar, Dantewada, Chhattisgarh
7. Dilip Kumar Kosariya, S/o. Lalyan Kosariya, Aged about 23 years, R/o. Behind Nagar Palika Office Building, Kirandul, District South Bastar, Dantewada, Chhattisgarh

---- Petitioners**Versus**

1. State Of Chhattisgarh Through Secretary Urban Administration and Development Department, Mantralaya, Raipur, District Raipur, Chhattisgarh
2. Director, Directorate, Urban Administration and Development, D.K.S. Bhawan, Raipur, District Raipur, Chhattisgarh.
3. Collector, South Bastar, Dantewada, Chhattisgarh
4. Chief Municipal Officer, Municipal Council, Kirandul, District South Bastar, Dantewada, Chhattisgarh
5. Emil Lakra, Additional Collector, South Bastar, Dantewada, Chhattisgarh

----Respondents

For Petitioners	:	Mr. Shrawan Agrawal, Advocate
For State	:	Mr. S.P. Kale, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****27/06/2018**

1. The challenge in the present writ petition is to the departmental enquiry initiated against the petitioner.

2. It is pertinent to take note at this juncture on the fact that similarly placed persons arising out of the same departmental proceedings had preferred a writ petition earlier i.e. WPS No. 1834/2010, which stood dismissed on 29.04.2010. A writ appeal i.e. WA No. 145/2010 was also preferred against the said order and the Division Bench of this Court in the said writ appeal has on 01.05.2012 while dismissing the appeal have made the following observations:

“6. The learned Single Judge dismissed the appellants' writ petition on the ground that it is premature and hence, no relief could be granted to the two writ petitioners. It was held that in the absence of any adverse action not being taken at this stage by the respondents against the appellants (writ petitioners), who are State employees working as Assistant Grade-III, no subsisting cause of action can be said to have accrued in appellants' favour to challenge some internal report which according to them is adverse to them.

7. While agreeing with the reasoning of the learned Single Judge, who rightly held the writ petition to be prematured and liable to be dismissed on this ground alone, we only wish to observe that as and when the respondent intends to take any action against the two writ petitioners of any nature relating to their appointment on the basis of the report (which was challenged by the writ petitioners in the writ petition), then they would be afforded an opportunity prior to taking any action by following principle of natural justice.

8. It is with these observations, we find no merit in this appeal so far as impugned order is concerned and hence, the appeal fails and is accordingly dismissed.”

3. In the light of the order of the Division Bench in relation to the similarly placed persons, this Court is of the opinion that nothing further remains to be adjudicated in the present writ petition.
4. The present writ petition thus also stands dismissed in similar terms.

Sd/-
(P. Sam Koshy)
Judge

Ved