

**HIGH COURT OF CHHATTISGARH, BILASPUR****WRIT PETITION (S) NO.6045 OF 2017**

Bhola Ram Sinha S/o Shri Ramaram Sinha, Aged About 57 Years R/o Ram Nagar, Ward No. 2, Kawardha, District Kabirdham Chhattisgarh.

**...Petitioner(s)**

**Versus**

1. State Of Chhattisgarh Through Secretary Department Of Cooperative Societies Mahanadi Bhawan, Mantralaya New Raipur, Post Office And Police Station Naya Raipur, District- Raipur, Chhattisgarh.
2. Chhattisgarh State Cooperative Marketing Federation Limited, The Managing Director, Chhattisgarh, Chhattisgarh State Cooperative Marketing Federation Limited 880, Civil Lines, Head Office, Raipur , District : Raipur, Chhattisgarh
3. The Secretary, Chhattisgarh State Cooperative Marketing Federation Limited 880, Civil Lines, Head Office, Raipur , District : Raipur, Chhattisgarh.
4. The Manager Establishment, Chhattisgarh State Cooperative Marketing Federation Limited 880, Civil Lines, Head Office, Raipur , District : Raipur, Chhattisgarh.

**... Respondent(s)**

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|-----------------------|---|-----------------------------------|
| For Petitioner        | : | Shri Vikas Shrivastava, Advocate. |
| For Respondent-State  | : | Shri DK Wankhede, Govt. Advocate. |
| For Respondent No.2&3 | : | Shri Akash Pandey, Advocate.      |

**Hon'ble Shri Justice P. Sam Koshy**

**Order on Board**

**11.10.2018**

1. Challenge in this petition is two orders dated 26.07.2017 and 06.10.2017 passed by the disciplinary authority as well as by the appellate authority.
2. The counsel for the parties fairly make a submission that the same impugned orders in the present writ petition were also inflicted against many other employees working under the respondents and they had filed separate writ petitions before this court and this court while entertaining those petitions leading among which being WPS No.7211 of 2017, vide its order dated 29.01.2018 had allowed the writ petitions to the extent of setting aside the order of the appellate authority and remitting the matter back to the appellate authority to take a fresh decision on the appeal so moved by the petitioners.

3. The counsel for the parties further submit that the present writ petition inadvertently could not get attached along with those batch of petitions and since the facts are identical, the present writ petition can also be disposed of in similar terms.

4. The High Court while deciding the said batch of writ petitions in paragraph 8 and 9 held as under :

“8. In view of above, the impugned orders passed by the appellate authority are hereby set aside. The matters are remitted to the appellate authority to consider each and every ground raised by the petitioners in appeals afresh and thereafter to pass a reasoned and speaking order in accordance with law after hearing the parties within a period of six months from the date of receipt/production of a copy of this order. The petitioners are at liberty to raise additional grounds, if any, supported by the documents, which shall be considered by the appellate authority. The petitioners are also at liberty to move an application for grant of stay within 7 days from today, which shall be decided by the appellate authority within one month from its receipt and for the period of one month, no recovery shall be made against the petitioners.

9. The writ petitions allowed to the extent indicated hereinabove. No cost(s).”

5. Given the aforesaid facts and circumstances of the case as also the decision rendered by the High Court in the aforesaid batch of writ petitions, this court is of the opinion that the present petition also deserves to be and is accordingly allowed to the aforesaid extent in terms of the order passed by this court on 29.01.2018 in WPS No.7211 of 2017 and other analogous writ petitions.

6. As a consequence, the appellate authority's order dated 06.10.2017 in the present case also stands set aside. The matter stands remitted back to the appellate authority to decide the appeal in accordance with observations made in the batch of writ petitions which have already been decided by this court on 29.01.2018.

7. Accordingly, the writ petition stands allowed.

Sd/-  
(P. Sam Koshy  
Judge