

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition No.5289 of 2006

R.K. Sharma, S/o Shri Durga Prasad Sharma, Aged about 54 years, R/o C/o Smt. Panna Sharma, Teacher, Primary School, Tilda, P.O. Newra, Distt. Raipur & permanent R/o Village Mungsa, Post Office Siliyari, District Raipur (C.G.)

---- Petitioner

Versus

1. Janpad Panchayat Bhatapara, through its Chief Executive Officer, Bhatapara, Distt. Raipur (C.G.)
2. Chief Executive Officer, Janpad Panchayat, Bhatapara, Distt. Raipur (C.G.)

---- Respondents

For Petitioner: Mr. Soumya Rai, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

05/02/2018

1. This Court by order dated 6-3-2006 passed in W.P.No.735/1995 has directed the respondents to treat the petitioner's representation as appeal and decide the same within a period of six weeks from the date of receipt/production of a copy of the order and in compliance of the said order, order dated 29-4-2006 has been passed.
2. Learned counsel for the petitioner submits that the order of termination has been upheld, but it is neither speaking nor reasoned order and the appeal has been dismissed.
3. I have heard learned counsel for the petitioner.
4. The petitioner has been terminated from service from 1-7-1989.

This Court has clearly directed to treat the representation of the petitioner as appeal against the order of termination and therefore the appellate authority was required to consider the appeal and decide the same in a proper perspective by passing a speaking and reasoned order and it ought to have considered whether such appeal is grantable on the basis of material available on record and whether the penalty is in tune with the misconduct committed by the petitioner, but that has not been considered. Therefore, the impugned order Annexure P-2 is set aside and the Chief Executive Officer, Janpad Panchayat, Bhatapara, is directed to consider the appeal afresh within three months from the date of receipt / production of a copy of this order after hearing the representative of petitioner, as the petitioner had already died, by passing a reasoned and speaking order. The representative of the petitioner is at liberty to file written submission / representation before the said authority.

5. With the aforesaid observation, the writ petition stands finally disposed of. No order as to cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge