

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 5543 of 2018

Smt. Rashmi Banjare W/o Shri Dev Kumar Banjare, Aged About 34 Years, Assistant Teacher (P) At Government Primary School Kanpa (Tohedi), In Janpad Panchayat Nawagarh, Block Nawagarh, District Bemetara, R/o Ward No. 08, Bhatapara, District Balodabazar Bhatapara, Chhattisgarh.

---Petitioner

Versus

1. State Of Chhattisgarh, Through The Secretary, Department Panchayat And Rural Development, Dau Kalyan Singh Bhawan, Mantralaya, Raipur, Chhattisgarh.
2. The Collector, District Bemetara, Chhattisgarh.
3. The Chief Executive Officer, Janpad Panchayat Nawagarh, District Bemetara, Chhattisgarh.
4. The Chief Executive Officer, Zila Panchayat Bemetara, District Bemetara, Chhattisgarh.

---Respondents

For petitioner	:	Shri J.N.Nande, Advocate.
For resp.No.1&2	:	Shri Syed Majid Ali, Dy.G.A.
For resp.No.3	:	Shri Anupam Dubey, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

16/11/2018

1. The challenge in the present Writ Petition is to the order Annexure-P/1 dated 29/06/2018 whereby the two earlier orders passed by the same authority dated 07/05/2018 & 24/05/2018 has been cancelled.
2. The facts of the case in brief is that, the petitioner was working as an Assistant Teacher under the respondents and was posted at the Government Primary School, Putpura, Block Nawagarh, District Bemetara.

3. On account of the absence from duty for a considerable period of time unauthorizedly, the petitioner was placed under suspension on 30/12/2013. The petitioner continued under suspension for a continuous long period.
4. Subsequently, vide order dated 07/05/2018, the respondent No.3 passed an order revoking the suspension order and posting the petitioner at his original place of posting.
5. After the revocation, the petitioner was ordered to be posted at the Government Primary School, Kanpa (Tohedi), Block Nawagarh, District Bemetara.
6. Lateron, the same respondent No.3 further issued another order on 24/05/2018 Annexure-P/11 whereby the respondent No.3 has dropped the departmental enquiry initiated against the petitioner and after giving a warning to the petitioner not to repeat such acts in future ordered for releasing all the allowances which the petitioner would be entitled for during the suspension period.
7. Subsequently, now the impugned order has again been passed by the same authority/same officer on 29/06/2018 cancelling both the earlier orders i.e. the order of revokation of suspension dated 07/05/2018 and dropping of departmental enquiry dated 24/05/2018.
8. The contention of the counsel for the petitioner is that, there has been no reason whatsoever assigned while passing the impugned order. He further submits that, the authorities have also not disclosed as to what would be the next course of action proposed by the respondents. He further

submits that, the respondents have also not disclosed anything in their return as to under what circumstances the said order was passed.

9. On a specific query being put to the counsel for the respondent No.3, he was unable to give any plausible justification defending the impugned order Annexure-P/1. Neither is there any substantial contention made in the reply by the respondent No.3 to justify as to under what circumstances the order Annexure-P/1 was passed. The reply filed by the respondent No.3 also does not contain any averment or contention or submission to defend or justify the impugned order.

10. In the absence of any submission made by the respondent No.3 both in their argument as well as in their reply, this Court finds it difficult to sustain the impugned order Annexure-P/1.

11. This Court further all the more finds it difficult to sustain the impugned order Annexure-P/1 for the reason that, all the three orders have been passed under the signature of the same officer and yet the same officer has not been able to divulge any reason which necessitated the issuance of Annexure-P/1 dated 29/06/2018.

12. Given the aforesaid facts and circumstances of the case and the fact that there has been no explanation, justification or submission put forth by the counsel for the respondent No.3 to defend the impugned order Annexure-P/1, the same becomes unsustainable and deserve to be and is accordingly set-aside. As a consequence, the status of the petitioner would

stands as it stood prior to the issuance of the impugned order Annexure-P/1 dated 29/06/2018.

13. The Writ Petition accordingly stands allowed and disposed off.

Sd/-

(P. Sam Koshy)
JUDGE

Sumit