

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 6516 of 2018**

Chamru Ram Sahu S/o Shri Gopal Ram Sahu Aged About 67 Years
(Retired Senior Assistant) R/o Front Of Telephone Exchange,
Kondagaon, Police Station - Kondagaon District Kondagaon,
Chhattisgarh.

---- Petitioner**Versus**

1. The General Manager, Through Chhattisgarh State Co-Operative Marketing Federation Limited, 880 Civil Line Headquarter Raipur District Raipur Chhattisgarh.
2. The Secretary, Chhattisgarh State Co-Operative Marketing Federation Limited, 880 Civil Line Headquarter Raipur District Raipur Chhattisgarh.
3. The Managing Director, Chhattisgarh State Co-Operative Marketing Federation Limited, 880 Civil Line Headquarter Raipur District Raipur Chhattisgarh.

----Respondents

For Petitioner	:	Mr. R.S. Patel, Advocate
For Respondents	:	Mr. Prafulla N. Bharat, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****27/10/2018**

1. The challenge in the present writ petition is to the order Annexure P/1 dated 06.09.2014.
2. Vide the said order, the respondents have found the petitioner to be guilty of negligence in discharging of duties, whereby causing a loss to the department to the tune of Rs. 21,63,230/- which occurred on account of a fire which took place in one of the godowns of the respondents and also on account of certain excess paddy which was released to the millers. Of the said amount, the respondents have already recovered an amount of Rs. 5,65,303/- from the

Insurance Company and the balance amount is ordered to be recovered from the dues payable to the petitioner.

3. The rules governing the service conditions of the petitioner would reveal that the order of punishment is an appealable order, but the petitioner it appears has not preferred an appeal and has straight away filed the writ petition. Though the record shows that after the impugned order, the petitioner has made a couple of representations, but those representations have not been made to the Appellate authority.
4. Given the aforesaid facts and circumstances of the case, let the petitioner file a detailed appeal against the order dated 06.09.2014 before the Appellate authority supported with all the contentions, documents and evidences that he has to prove his innocence and on such appeal being preferred, it is ordered that the Appellate authority shall decide the appeal ignoring the limitation aspect in filing of the appeal and shall decide the appeal on its merits in accordance with the rules.
5. It is ordered that the petitioner also shall prefer an appeal within a period of 3 weeks from today and the Appellate authority shall decide the appeal within a further period of 3 months from the date of receipt of the appeal.
6. With the aforesaid observations, the present writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge