

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 7121 of 2018

Dhannu Ram Sahu S/o Late Shri Asharam Aged About 42 Years R/o Village- Goindri, P.S. Mungeli, District- Mungeli, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Water Resource Department, Mahanadi Bhawan, New Mantralaya, District- Raipur, Chhattisgarh.
2. The Engineer-In-Chief Water Resource Department, Raipur, District- Raipur, Chhattisgarh.
3. The Superintending Engineer Water Resource Division, District- Bilaspur, Chhattisgarh.
4. The Chief Engineer Hasdev Kachhar, Water Resource Department, Bilaspur, Chhattisgarh.
5. The Executive Engineer Maniyari Water Resource Department, Mungeli, District- Mungeli, Chhattisgarh.

---Respondents

For Petitioner	:	Ms. Sangeeta Mishra, Advocate
For State	:	Mr. S.P. Kale, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

29/10/2018

1. The defaults pointed out by the Registry for the moment stand ignored. With the consent of the parties, the matter is heard and is being finally disposed off at the motion stage.
2. The present is a second round of litigation. It is a case where the petitioner was appointed as a Chowkidar in the Water Resources Department on 14.06.2011. The services of the petitioner subsequently stood terminated on 11.03.2015 on the ground that the petitioner was involved in some criminal cases.
3. The petitioner preferred a writ petition i.e. WPS No. 1306/2015, which was disposed off on 02.07.2018 with the following directions:

“4. Looking to the facts and circumstances of this case, this writ petition is disposed of with the direction that the respondent No. 3 shall decide the aforesaid representation of the petitioner in the light of the decision of Hon'ble Supreme Court in Avtar Singh (supra) within a period of two months from the date of receipt of a copy of this order in accordance with law and procedure.”

4. Pursuant to the order passed by this Court on 02.07.2018 in the aforesaid writ petition, the respondents have passed the impugned order on 24.08.2018. Unfortunately while deciding the matter, the Chief Engineer i.e. the respondent No.4 in a total mechanical manner without any application of mind to the observation made by this Court in WPS No. 1306/2015 and also without taking note of the observations made by the Hon'ble Supreme Court in the case of ***“Avtar Singh v. Union of India & Ors.” 2018(1) SCC 268*** has decided the same.
5. This Court does not appreciate the manner in which the Chief Engineer has decided the same. Such an order was not expected of an officer so high in ranking in the department. When the matter is disposed off with a direction to the authorities to decide, they are expected to honour the order of the Court in its true letter and spirit. The order should not reflect as if it has been passed only to ensure avoiding of contempt.
6. Without expressing any further displeasure on the manner in which the impugned order has been passed, this Court is inclined to set-aside the same and remit the matter to the respondent No.4 for deciding the case afresh, particularly taking into consideration the observations of the Hon'ble Supreme Court in the case of “Avtar

Singh v. Union of India & Ors.” (supra). While deciding the matter the authority shall also consider the notification of the State Government which provides the details of the offences which would amount to “Moral Turpitude” and which will not.

7. Let this exercise be done in an objective manner within a period of 60 days from the date of receipt of the certified copy of this order.
8. With the aforesaid observations, the present writ petition stands allowed and disposed off.

Sd/-
(P. Sam Koshy)
Judge

Ved