

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 7391 of 2018

Kumbhraj Khobragarhe S/o Shri Paras Ram Khobragarhe Aged About 56 Years R/o Village Mate (Hatta Circle), Post Mate, Police Station Kirnapur, Tahsil And District - Balaghat, Madhya Pradesh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary - Water Resources Department, Mantralaya, Mahanadi Bhawan, Atal Nagar Raipur, District - Raipur, Chhattisgarh
2. Secretary State Of Chhattisgarh, Panchayat And Rural Development Department, Mantralaya Mahanadi Bhawan, Atal Nagar Raipur, District - Raipur Chhattisgarh.
3. Engineer In Chief Water Resources Department, Chhattisgarh, Raipur, District - Raipur, Chhattisgarh.
4. Chief Engineer Mahanadi Godavari Kachhar, Water Resources Department, Raipur, District - Raipur, Chhattisgarh.
5. Executive Engineer Rural Engineering Department, Division Kanker, District - Kanker, Chhattisgarh.
6. Sub Divisional Officer Rural Engineering Department, Sub Division Antagarh, District - Kanker, Chhattisgarh.

---Respondents

For Petitioner	:	Mr. Hamida Siddiqui, Advocate
For State	:	Mr. Chandresh Shrivastava, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy

Order on Board

12/11/2018

1. The challenge in the present writ petition is to the order of termination dated 03.10.2017.
2. It appears that the petitioner has not preferred any departmental appeal against the said order of termination and has straight away filed the present writ petition. Though the petitioner refers to Annexure P/6 and submits that he has already preferred an appeal against the order of illegal termination.

3. Perusal of the record would show that the present writ petition itself has been filed after more than one year from the order of termination, which has been passed.
4. Given the aforesaid facts and circumstances of the case, this Court is of the opinion that let the petitioner prefer a departmental appeal against the order of termination dated 03.10.2017 and on filing the same within a period of two weeks from today, the Appellate authority shall ignoring the point of limitation entertain the appeal and shall decide the appeal on its merit.
5. While preferring the appeal, the petitioner would also be at liberty to raise the question of the competency of the authority, who has passed the order of termination and also raise the question whether the rule position has been duly complied with or not while passing the order of termination is concerned. In addition, the petitioner would also be at liberty to assail the order of termination on the question of proportionality of punishment commensurate to the misconduct alleged.
6. With the aforesaid observations, the present writ petition stands disposed off.
7. We make it clear that this Court has not expressed any opinion on the merits of the case. On such appeal being filed by the petitioner, the same should be decided within an outer limit of 90 days from the date of receipt of the appeal on its own merits.

Sd/-
(P. Sam Koshy)
Judge