

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 7546 of 2018

Radheshyam Chandra S/o Shri Jhaduram Chandra Aged About 58 Years Posted As Headmaster At Government Middle School Sadar Girls Sakti, Block Sakti , District Janjgir Champa Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, School Education Department, Mahanadi Bhawan, Mantralaya, New Raipur, Police Station Rakhi, District Raipur Chhattisgarh.
2. The Commissioner Bilaspur Division, Bilaspur Chhattisgarh.

---Respondents

For Petitioner	:	Mr. Jeet Patel, Advocate
For State	:	Mr. Syed Majid Ali, Dy. G.A.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

16/11/2018

1. The challenge in this petition is to the order dated 31.07.2018 (Annexure P/1).
2. The present is a second round of writ petition. The petitioner was working as a Headmaster in Govt. Girls Middle School, Sadar, Block Sakti in the year, 2012-13 and 2014-15. During the said period it is alleged that the petitioner has committed certain irregularities for which he was inflicted with punishment of stoppage of two annual increments without cumulative effect. Against the said order, the petitioner preferred a writ petition before this court vide WPS No.2528 of 2017 which ultimately was disposed of on 08.06.2017 whereby this Court had directed the petitioner to prefer an appeal/representation against the said order and the appellate authority was directed to decide the same. It is this order which has

been passed subsequently by the appellate authority whereby the order of punishment has been affirmed and which is under challenge.

3. The counsel for the petitioner submits that the only ground on which the appeal has been rejected is non production of document in respect of his defence. He submits that he has already submitted the entire documents in response to his defence before the disciplinary authority and had also submitted it along with the appeal in the department, but he did not carry the same at the time of personal hearing before the appellate authority. He further submits that similar orders of punishment were passed against various other persons in the department and who had also approached the same authority with same defence and similar documents and whose cases were already considered by the department by setting aside the order of punishment. However, it is the petitioner's case which has not been considered only on account of non production of the documents during the course of personal hearing.
4. Given the aforesaid facts, this court is of the opinion that let the appellate authority reconsider the appeal of the petitioner on merits afresh and while doing so, the petitioner may be granted another opportunity to produce the entire documents in respect of his defence particularly taking note of the fact that in the case of identical/similarly placed persons the department has already allowed the appeal. Accordingly, let the petitioner make a fresh appeal/representation with all relevant documents before the respondent No.1 who in turn shall reconsider the appeal of the petitioner in the light of the documents which have been supported

along with representation so made which the petitioner would file afresh within a period of two weeks from the date of receipt of certified copy of this order and in turn the appellate authority shall thereafter decide the same within a period of 90 day.

5. Meanwhile, since the court is remitting the matter back to the appellate authority, the impugned order dated 31.07.2018 would automatically lose its efficacy.
6. The writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge

Ved