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HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 1311 of 2012**

Mohan Singh Thakur S/o Late Kesar Singh Thakur aged about 49 years working as Driver O/o ENC Public Works Department Sirpur Bhawan Raipur Chhattisgarh R/o Q.No. I-10 P.W.D. Colony Bairan Bazaar Raipur District Raipur Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh through its Public Works Department DKS Bhawan Raipur Chhattisgarh
2. Engineer-in-Chief Public Works Department O/o Public Works Department Raipur Chhattisgarh
3. Chief Engineer Public Works Department Raipur Chhattisgarh

---- Respondents

For Petitioner	:	Shri Vinod Deshmukh, Advocate.
For Respondent/State	:	Shri Anshuman Shrivastava, Panel Lawyer.

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice**Order on Board****22/02/2019**

1. Heard counsel for the parties.
2. Annexure P/1 dated 07.03.2012 is set aside for primary reason that no opportunity of hearing was given to the Petitioner before unilaterally passing the order dated 07.03.2012 taking away his valuable right as he had already been absorbed in the regular establishment as far back as 24.06.2006 itself, which ought not have been undone by the impugned order by violating right of opportunity and hearing.
3. Any justification or reason appearing in the return filed on behalf of the Respondents may not be good enough because the reasons provided therein is also being answered satisfactorily by the Petitioner. One of them being that the seniority list which was prepared of the people working in the work-charged establishment was as of 01.04.2010. The list therefore will surely not reflect his

name, since he had already been appointed in the regular establishment with effect from 24.06.2006.

4. Be that as it may, writ application is allowed and Annexure P/1 dated 07.03.2012 is set aside.

Sd/-
(Ajay Kumar Tripathi)
CHIEF JUSTICE

Anu