

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 4782 of 2012**

1. Raj Kumar Sonwai, S/o late Shri Brijlal Sonwani, aged about 44 years, working as Sweeper at Primary Health Centre, Kharora, block Tilda, Post and Police Station Kharora, District Raipur (C.G.) 493225

---- Petitioner**Versus**

1. State of Chhattisgarh, through its Secretary, Health Department, D.K.S. Bhawan, Raipur, Police Station City Kotwali, District Raipur (C.G.) 492002
2. Director, Office of Directorate Health Service, Chhattisgarh Raipur, District Raipur, Police Station City Kotwali, District Raipur (C.G.) 492002
3. Chief Medical and Health Officer, Office of the Chief Medical and Health Raipur, Distt. Raipur, Police Station City Kotwali, District Raipur (C.G.) 492002
4. Medical Officer, C.H.C, Kharoda, Post and Thana Kharora, Distt. Raipur (C.G.) 493225
5. Block Medical Officer, Community Health Centre, Tilda Block Tilda, Post and Thana Tilda, District Raipur (C.G.) 493114

---- Respondents

For Petitioner	:	Shri Vinod Deshmukh, Advocate
For Respondents/State	:	Shri Jitendra Pali, Deputy Advocate General and Shri Faiz Kazi, Panel Lawyer

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice**Order on Board****22.02.2019**

1. Heard counsel for the Petitioner and counsel for the Respondents-State.
2. Annexure P/1 dated 20.01.2012 is an order passed by the Respondent No. 3 by which the salary of the Petitioner who is working on work charge establishment has been withheld and he has been declared as an illegal appointee in pursuance of the circular dated 05.03.2008 and a new exercise for fresh appointment was taken by the Respondent authorities.
3. It is the case of the Petitioner that on the basis of their earlier engagement on sanctioned vacant post and long continuance and period of work, they came to be appointed on a regular establishment, however, for reasons best known to the Respondents they suddenly decided to annul that position and reappoint the Petitioner subsequently from later year, by virtue of the order impugned.

4. Besides other arguments made on behalf of the Petitioner one of his submission is that since such a decision has serious civil consequences for him, a unilateral decision without opportunity of hearing could not be passed against him because a settled position cannot be unilaterally unsettled behind the back of the Petitioner.
5. There is no argument made that the impugned order contained in Annexure P/1 was not an unilateral order whatever be the justification offered now by the State and in violation of principle of natural justice.
6. Since the said decision has been taken and communicated to the Petitioner in gross violation of principles of natural justice, the impugned order dated 20.01.2012, so far it relates to the Petitioner stands quashed.
7. Writ application is allowed.

Sd/-
(Ajay Kumar Tripathi)
Chief Justice