

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 2131 of 2012**

1. Deepraj Masih, S/o late Shri Tilak Singh, aged about 36 years, working as Driver, O/o Block Medical Officer, Community Health Centre, Block Gariyaband, District Gariyaband (C.G.), R/o Ward No. 2 Azad Chowk, Gariyaband, District Gariyaband (C.G.)

---- Petitioner**Versus**

1. State of Chhattisgarh, through its Secretary, Health Department, D.K.S. Bhawan, Raipur (C.G.)
2. Director, Office of Directorate Health Service, Chhattisgarh Raipur, District Raipur (C.G.)
3. Chief Medical and Health Officer, Office of the Chief Medical and Health Raipur, Distt. Raipur (C.G.)
4. Chief Medical and Health Officer, Office of the Chief Medical and Health Gariyaband, Distt. Gariyaband (C.G.)
5. Block Medical Officer, Community Health Centre, Gariyaband, Distt. Gariyaband (C.G.)

---- 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 02.06.2012 is a communication made to the Petitioner by virtue of which his earlier order of appointment was held to be illegal 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 for 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 02.06.2012 and 20.01.2012 (Annexure-P/7) stand quashed.
7. Writ application is allowed.

Sd/-
(Ajay Kumar Tripathi)
Chief Justice