

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 5543 of 2017**

Siddha Nath Singh S/o Late Fauda Ram, Aged About 56 Years,
 Assistant Conservator Of Forest, Deputy Sub Divisional Forest
 Officer, West Kapsi, Forest Division- West Bhanupratappur,
 Chhattisgarh, R/o Rajmohani Ward, Namnakala, Ambikapur, District
 Sarguja, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Principal Secretary (Forest) Mahanadi Bhawan, Mantralaya, Capital Complex, New Raipur, District Raipur, Chhattisgarh
2. Under Secretary, Forest Department, Mahanadi Bhawan, Mantralaya, Capital Complex, New Raipur, District Raipur, Chhattisgarh
3. Principal, Chief Conservator Of Forest, Chhattisgarh, Aranya Bhawan, Raipur, District Raipur, Chhattisgarh

---- Respondents

For Petitioner	:	Shri A. S. Kachhawaha, Advocate
For State	:	Shri Saleem Kazi, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****03.05.2019**

1. The challenge in the present writ petition is to the order Annexure P-1 dated 11.09.2017 whereby the State Govt. invoking the provisions of Rule 56 (2) (a) of the Fundamental Rules and also invoking the powers under Rule 42 (1) (b) of the Chhattisgarh Civil Services (Pension) Rules, 1976 has

imposed the petitioner with an order of compulsory retirement.

2. The State counsel, during the course of hearing, submitted that the State General Administration Department vide order dated 05.05.2018 has taken a policy decision to reconsider all those cases where the applicant intends to question the order of compulsory retirement issued pursuant to the circular of the State Govt. dated 25.04.2017. According to the State Counsel, an appropriate high level committee in this regard has already been constituted at different levels for consideration of such matters.
3. Counsel for the petitioner, at this juncture, submits that since the State Govt. has already constituted a high level committee to reconsider the order of compulsory retirement issued pursuant to the circular of the State Govt. dated 25.04.2017 and the petitioner in the instant case also having been put to compulsory retirement, invoking the said circular the petitioner would like to approach the said committee for redressal of his grievance and therefore, prayed that the matter of the petitioner may be sent to the high level committee constituted in this regard for reconsideration.
4. Given the said submissions made by the counsel appearing for the parties and also taking note of the policy decision that the State Govt. has taken it is ordered that let the case of the petitioner be placed before the said high level committee constituted by the State Govt. for reconsideration of the order of compulsory retirement dated 11.09.2017 passed against the petitioner. The petitioner, if he so wants, may file a detailed representation/objection in respect of the order of compulsory retirement raising all those grounds that he intends to raise questioning the legality and veracity of the order dated 11.09.2017 including the ground of the same

being contrary to the guidelines framed by the State Govt. It is expected that the said Committee shall consider the objections/grounds that the petitioner would raise in his representation before the Committee questioning the legality and veracity of the order and pass a speaking order.

5. It need not be mentioned that the Committee shall not re-appreciate any new fact and evidence against the petitioner while deciding the veracity of the order dated 11.09.2017 and it would only confine its finding on the basis of which the impugned order dated 11.09.2017 has been passed. It is also expected that the Committee would take into consideration the guidelines that the State Govt. has issued vide circular dated 25.04.2017 for sending a person on compulsory retirement while deciding the case of the petitioner. Let the petitioner make a representation/objection to the Committee within a period of 15 days from the date of receipt of copy of this order and the Committee in turn shall decide the same within a further period of 60 days from the date of receipt of the representation of the petitioner. The petitioner would be at liberty to challenge the subsequent decision of the Committee before the Court in case if need arises.
6. With the aforesaid direction, the present writ petition stands disposed of.

Sd/-
P. Sam Koshy
Judge