

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 6359 of 2018

Mahesh Sahu S/o Shri Prabhu Ram Sahu Aged About 32 Years
Earlier Posted As Assistant Teacher (Panchayat), At Government
Primary School Singhangarh, Janpad Panchayat Sahaspur Lohara
District Kabirdham Chhattisgarh, R/o Village- Domatola, Tahsil-
Sahaspur Lohara, District- Kabirdham, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary Panchayat And Rural Development Department Mantralaya, Mahanadi Bhawan, Raipur, District- Raipur, Chhattisgarh.
2. Chief Executive Officer, Zila Panchayat Kabirdham District- Kabirdham, Chhattisgarh
3. Chief Executive Officer Janpad Panchayat Sahaspur Lohara District- Kabirdham, Chhattisgarh
4. Chief Executive Officer Janpad Panchayat Berla, District- Bemetara, Chhattisgarh
5. Block Education Officer Sahaspur Lohara, District- Kabirdham, Chhattisgarh.

---Respondents

For Petitioner	:	Mr. Mateen Siddiqui, Advocate
For State	:	Mr. Rahul Mishra, Dy. G.A.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

07/03/2019

1. Ignoring the defaults pointed out by the Registry, with the consent of the parties, the matter is heard finally and disposed of at the motion stage itself.
2. The challenge in the present writ petition is to the orders Annexure P/1 & P/2. Annexure P/2 dated 23.06.2014 is the original order of dismissal from service and Annexure P/1 dated 27.07.2018 is an

order, which has been communicated to the petitioner, so far as discontinuing him from service.

3. Counsel for the petitioner submits that since the petitioner had been transferred from his original place of posting, the order Annexure P/2 could not be implemented promptly and the same has now been acted upon. Counsel for the petitioner further submits that the issue involved in the present case already stands adjudicated upon by a series of writ petitions, which have been entertained and allowed by this Court. The first one being the case of ***“Rohini Jha & Anr. v. State of Chhattisgarh & Anr.”*** i.e. ***WPS No. 984/2018***, decided on **20.04.2018** and thereafter the bunch of writ petitions were decided on 31.10.2018, the leading case of which was ***WPS No. 1420/2016 (Bhudhar Prasad Tiwari & Ors. v. Divisional Commissioner, Durg Division & Ors.)*** and other analogous writ petitions. Thereafter, also a couple of writ petitions have been allowed by this Court in respect of the same cause of action i.e. ***WPS No. 7897/2018 (Harak Ram Sahu & Ors. v. State of Chhattisgarh & Ors.)*** and ***WPS No. 501/2019 (Jagtaran Das Bharti v. State of Chhattisgarh & Ors.)***, decided by this Court on 01.12.2018 & 24.01.2019 respectively.
4. Given the aforesaid series of decisions on the same cause of action, the counsel for the petitioner submits that the case of the petitioner also deserves to be allowed on similar grounds and also on the ground of parity.

5. The factual matrix of the case, the nature of appointment of the petitioner and the order of dismissal being same, is not disputed by the State counsel on verification of the records.
6. Given the said facts, this Court does not have any hesitation in holding that the impugned order Annexure P/2 and which has been communicated to the petitioner vide Annexure P/1, both are not sustainable for the same reason and the present writ petition also deserves to be allowed.
7. However, since all these writ petitions have been allowed on the technical ground of non-compliance of Rule 7 of the ***Chhattisgarh Panchayat Services (Discipline and Appeal) Rules, 1999***. The respondents would have the liberty, if they so feel, to initiate appropriate proceedings in accordance with the rules governing the field.
8. With the aforesaid observations, the present writ petition stands allowed and disposed off.

Sd/-
(P. Sam Koshy)
Judge