NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 6951 of 2019

Uma Kant Dubey S/o - Late Shri Mohan Lal Dubey Aged About 41 Years R/o - Baikunthpur, Brahman Para, Raigarh Police Station City Kotwali, District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Urban Administration And Development, Mahanadi Bhawan Atal Nagar, Raipur Post Office And Police Station Naya Raipur District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
2. Municipal Corporation Raigarh, Through Commissioner, Raigarh, Revenue And Civil District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh

----Respondents

For Petitioner	:	Mr. Vivek Kumar Agrawal, Advocate
For State	:	Mr. Ashutosh Mishra, P.L.
For Respondent No.2	:	Mr. Sudeep Agrawal, Advocate

Hon'ble Shri Justice P. Sam Koshy
Order on Board

04/09/2019

1. The challenge in the present writ petition is to the show cause notices dated 16.08.2019 and 26.08.2019 calling upon the petitioner to explain as to why the order of regularization dated 15.10.2015, so far as the petitioner is concerned be not cancelled/revoked in the light of the inquiry which was conducted against the then Commissioner Shri Pramod Shukla and where the allegation against Shri Pramod Shukla has been found to have been proved.

2. The contention of the petitioner that though the respondents have issued certain show cause notices, the petitioner has immediately applied for grant of certain documents by virtue of which he would be able to justify the regularization part which was passed in favour of the petitioner way back in the year 2015.

3. The further apprehension of the petitioner is that since the respondents have already in similar circumstances without granting a fair opportunity of defense have cancelled the regularization and have send the workers back on the post of daily wage employees, which if adopted in the instant case also would be detrimental to the interest of the petitioner.

4. Given the aforesaid contention that the petitioner has and taking note of the fact that the petitioner has also been regularized and working as a regular employee since October, 2015, ends of justice would meet if the respondent No.2 is directed to ensure that the show cause notice which have been issued is concluded only after giving a fair and reasonable opportunity of defense is given to the petitioner to justify the order of regularization that was passed in his favour way back w.e.f. October, 2015.

5. Let the respondent No.2 provide all those documents which are in their possession, which the respondent No.2 intends to rely against the petitioner for holding that his regularization is bad and thereafter calling upon the explanation of the petitioner in respect of those documents and then take an appropriate decision at the earliest.

6. The effect of the aforesaid observation is that the respondent No.2 shall take a decision only after granting a fair and reasonable opportunity of defense to the petitioner before a final order is passed.

7. With the aforesaid observations, the present writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge

Ved