

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 7872 of 2018

1. K. K. Dewangan, S/o Shri Dhanau Dewangan, Aged About 58 Years, Posted As Assistant Manager, Chhattisgarh State Cooperative Marketing Federation, District: Dhamtari Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Co-Operative Societies, Mahanadi Bhawan, Atal Nagar, Raipur, District Raipur Chhattisgarh
2. Managing Director, Chhattisgarh State Marketing Federation, 880, Civil Lines, Raipur, District Raipur Chhattisgarh
3. The Secretary, Chhattisgarh State Marketing Federation, 880, Civil Lines, Raipur, District Raipur Chhattisgarh
4. District Marketing Officer, MARKFED, Rajnandgaon, District Rajnandgaon Chhattisgarh
5. District Marketing Officer, MARKFED, Dhamtari, District Dhamtari Chhattisgarh

---Respondents

For Petitioner	:	Mr. Vikas Dubey, Advocate
For Respondents	:	Mr. Harshal Chouhan, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

22.08.2019

1. Challenge in this petition is to the order dated 03.10.2017 passed by the disciplinary authority as well as by the appellate authority.
2. The counsel for the parties fairly make a submission that the same impugned orders in the present Writ Petition were also inflicted against many other employees working under the respondents and

they had filed separate writ petitions before this court and this court while entertaining those petitions leading among which being WPS No.7211 of 2017, vide its order dated 29.01.2018 had allowed the writ petitions to the extent of setting aside the order of the appellate authority and remitting the matter back to the appellate authority to take a fresh decision on the appeal so moved by the petitioners.

3. The counsel for the parties further submit that the present writ petition inadvertently could not get attached along with those batch of petitions and since the facts are identical, the present writ petition can also be disposed of in similar terms.

4. The High Court while deciding the said batch of writ petitions in paragraph 8 and 9 held as under :

“8. In view of above, the impugned orders passed by the appellate authority are hereby set aside. The matters are remitted to the appellate authority to consider each and every ground raised by the petitioners in appeals afresh and thereafter to pass a reasoned and speaking order in accordance with law after hearing the parties within a period of six months from the date of receipt/production of a copy of this order. The petitioners are at liberty to raise additional grounds, if any, supported by the documents, which shall be considered by the appellate authority. The petitioners are also at liberty to move an application for grant of stay within 7 days from today, which shall be decided by the appellate authority within one month from its receipt and for the period of one month, no recovery shall be made against the petitioners.

9. The writ petitions allowed to the extent indicated hereinabove. No cost(s)”

5. Given the aforesaid facts and circumstances of the case as also the decision rendered by the High Court in the aforesaid batch of writ petitions, this court is of the opinion that the present petition also deserves to be and is accordingly allowed to the aforesaid extent in terms of the order passed by this court on 29.01.2018 in WPS No.7211 of 2017 and other analogous writ petitions.

6. As a consequence, the appellate authority's order dated 06.10.2017 in the present case also stands set aside. The matter stands remitted back to the appellate authority to decide the appeal in accordance with observations made in the batch of writ petitions which have already been decided by this court on 29.01.2018.
7. The present Writ Petition, thus stands allowed and disposed off.

**Sd/-
(P. Sam Koshy)
Judge**