

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5848 of 2011

Omprakash Sharma S/o Shri Laxminarayan Sharma, aged about 50 years, Assistant Grade III, Tahsil Office Orchha, District Narayanpur, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh, through its Secretary, Transport Department, D.K.S. Bhawan, Raipur (C.G.)
2. Secretary, General Administration, Department, D.K.S. Bhawan, Raipur (C.G.)
3. Secretary, Revenue & Disaster Management Department, D.K.S. Bhawan, Raipur (C.G.)
4. Collector Office of Collector, Narayanpur, Distt. Narayanpur (C.G.)

---- Respondents

For petitioner – Shri Vinod Deshmukh, Advocate appears on behalf of Shri V.K. Sharma, Advocate.

For State-Smt. Richa Shukla, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

13/02/2020

Heard.

1. The petitioner was absorbed from Chhattisgarh Infrastructure Development Corporation to Revenue Department on the post of Assistant Grade-III by order dated 4/02/2011. The order of absorption was withdrawn on 2/09/2011 by the State Government. Questioning that order, instant writ petition has been filed by the petitioner.

(2) Learned counsel for the petitioner would submit that without assigning any reason and without giving opportunity of hearing to the petitioner, order of absorption has been recalled, which is bad and unsustainable in law and is liable to be set aside.

(3) On the other hand, learned counsel appearing for the State would submit that on the basis of order dated 26/08/2011, order of absorption

has been withdrawn by the State Government.

(4) I have heard learned counsel appearing for the parties and considered their rival submissions made hereinabove and also gone through the record with utmost circumspection.

(5) It is undisputed position on record that petitioner's order of absorption has been recalled without affording due opportunity of hearing, which involves civil consequences. I am of the view that opportunity of hearing ought to have been afforded before recalling the order of absorption of the petitioner, therefore, the impugned order dated 2/09/2011 is liable to be and is hereby set aside. The matter is remitted to the State Government to consider the matter afresh after giving due opportunity of hearing to the petitioner in accordance with law.

(6) The writ petition is allowed to the extent indicated hereinabove.

Sd/-

(Goutam Bhaduri)

JUDGE