

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5336 of 2011

1. Uday Pratap Singh S/o Shri Gopal Singh, aged 54 years, working as Asstt. Grade-III, District Office Narayanpur R/o R.E.S. Colony Qrt.No.6 Narayanpur Distt. Narayanpur (C.G.)
2. Tekram Sahu, S/o Late Sumeri Das Sahu aged 43 years, working as Asstt. Grade-III, District Office Narayanpur R/o Pathak Chowk Tahsil Pura Narayanpur Distt. Narayanpur (C.G.)
3. Aalkha Ram Sahu, S/o Tikam Das Shau aged 58 years, working as Asstt. Grade-III, District Office Narayanpur R/o Pathak Chowk Tahsil Pura Narayanpur Distt. Narayanpur (C.G.)
4. Rajesh Kumar Vaishnaw S/o Shri Siyaram Das Vaishnaw aged 46 years, working as Asstt. Grade-III, District Office Narayanpur R/o New Collectorate Colony Qrt. No.H-5 Narayanpur Distt. Narayanpur (C.G.)
5. Rama Shankar Bajpai, S/o Shri Narmada Prasad Bajpai, aged 56 years, working as Asstt. Grade-III, Tahsil Office, Orcha, Narayanpur R/o Pathak Chowk, Tahsilpara, Narayanpur Distt. Narayanpur (C.G.)
6. Shiv Shankar Kutare, S/o Ukha Ram Kutare, aged 48 years, working as Asstt. Superintendent/Asstt. Grade-I, Election Office, Narayanpur, R/o R.E.S. Colony Qrt. No.39 Narayanpur Distt. Narayanpur (C.G.)

---- Petitioners

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.)
5. Chhattisgarh Infrastructure Development Corporation, through its Managing Director, C.I.D.C. Shastri Chowk, Raipur (C.G.)

---- Respondents

For petitioners – Shri Vinod Deshmukh, Advocate.
For State-Smt. Richa Shukla, Dy.G.A.
For respondent No.5-Shri Syed Majid Ali, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order

13/02/2020

Heard.

1. The petitioners were absorbed from Chhattisgarh Infrastructure Development Corporation to Revenue Department on the posts of Assistant Grade-III & Assistant Grade-1/Asst. Superintendent 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 The order of absorption was withdrawn on 2/09/2011 by the State Government.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 petitioners.

(2) Learned counsel for the petitioners would submit that without assigning any reason and without giving opportunity of hearing to the petitioners, 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 petitioners' 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 petitioners, 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 petitioners in accordance with law.

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

Sd/-

(Goutam Bhaduri)

JUDGE

