

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No.6280 of 2008**

1. Pradeep Kumar Gureja, S/o. Shri H.C. Gureja, Aged about-47 years,
2. Pradeep Kumar, S/o Late Shri Sitaram Pant, aged about 43 years,

Both are Posted as Assistant Foreman/Chargeman (Electrical) Grade-C, Sub-Area Dhelwadih – Singhali – Bagdeva, Area Korba, Distt. Korba (CG)

----- **Petitioners**

Versus

1. Chairman-Cum-Managing Director South Eastern Coal Field Limited Hqr. Seepat Road Bilaspur, Distt. Bilaspur (CG)
2. Director Personal South Eastern Coal Field Limited Hqr. Seepat Road Bilaspur, Distt. Bilaspur (CG)
3. Deputy Chief Personal Manager, (A&IR) South Eastern Coal Field Limited Hqr. Seepat Road Bilaspur, Distt. Bilaspur (CG)
4. Chief General Manager South Eastern Coal Field Limited Korba, Area-Korba, Distt. Korba (CG)
5. Sub-Area Manager Sub-Area Dhelwadih-Singhali-Bagdeva, Area Korba, Distt. Korba (CG)
6. Sub-Area Manager Nawrozabad Sub-Area, PO Nawrozabad Johilla Distt. Umaria (M.P.)

----- **Respondents**

For Petitioners	:	Mr. Rahul Mishra, Advocate
For Respondents	:	Mr. Abhishek Sinha, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal
Order on Board

7.6.2021

1. Proceedings of this matter have been taken-up through video conferencing.
2. By way of this writ petition, the petitioners calls in question the order dated 20.10.2008 (Annexure P-8)

passed by the respondents herein by which order promoting them on the post of Assistant Foreman/Chargeman (Electrical) Grade-"C" has been cancelled by respondent No.3 herein mainly on the ground that the impugned order has been passed in violation of principles of natural justice.

3. Return has been filed supporting the impugned order by the respondents herein.

4. Mr. Rahul Mishra, learned counsel for the petitioners, would submit that order dated 20.10.2008 has been passed in violation of principles of natural justice as they have already joined the promotional post on 17.10.2008 and thereafter order cancelling their promotion is in teeth of and in violation of basic principle of natural justice as even no notice has been served to them before cancelling the order of promotion. He would further submit that the petitioners have requisite qualifications for promotional post of Assistant Foreman/Chargeman (Electrical) Grade-"C".

5. On the other hand, Mr. Abhishek Sinha, learned counsel for the respondents, would support the impugned order and submit that the petitioners did not have any requisite qualifications/certificates for promotional post of Assistant Foreman/Chargeman (Electrical)

Grade-"C". He would further submit that the petitioners were not eligible to be promoted on the post of Assistant Foreman/Chargeman (Electrical) Grade-"C" and therefore immediately after 3 days of their joining, their promotion order has been revoked, which is strictly in accordance with law and there will no change in the result and therefore, initiation of proceeding would be mere formality and as such, the writ petition deserves to be dismissed.

6. I have heard learned counsel for the parties and considered their rival submissions made hereinabove and also went through the records with utmost circumspection.

7. It is not in dispute that two petitioners were promoted on the post of Assistant Foreman/Chargeman (Electrical) Grade-"C" by two separate orders issued by the respondents herein on 11.10.2008. It is also not in dispute that the petitioners have joined the promotional post on 17.10.2008 and thereafter, the impugned order dated 20.10.2008 cancelling their order of promotion has been passed. It is also not in dispute that the petitioners have not been afforded minimum opportunity of hearing by noticing them before revoking or annulling the order of promotion, which is violation of principle of natural justice. Once the

petitioners have been promoted on the higher promotional post, the order of promotion could not have been cancelled by the respondents herein without giving even notice or opportunity of hearing to explain their case.

8. Accordingly, the order dated 20.10.2008 (Annexure P-8) passed by respondent No.3 is hereby quashed. However, the respondents are at liberty to proceed in accordance with law. It is made clear that this Court has not expressed any opinion on merits of the case.

9. At this stage, Mr. Mishra, learned counsel for the petitioner, would submit that finding be also recorded on the merits of the matter.

10. It is appropriate to mention that since the order impugned has already been set-aside, the Court need not enter into the merits of the matter.

11. The writ petition is allowed to the extent indicated hereinabove. No cost(s).

Sd/-

(Sanjay K. Agrawal)
Judge

B/-