

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 6507 of 2007**

- Smt. Varsha Sakhre, W/o Ashwini Sakhre, R/o C/o P. R. Bhakhtan, Near Prasad Bhawan, Vrindavan Colony, Jagdalpur, Chhattisgarh

----- Petitioner**Versus**

1. State Of Chhattisgarh Secretary, Department Of Forest, D.K.S. Bhawan, Raipur, Chhattisgarh
2. Conservator of Forest, Jagdalpur Circle, Jagdalpur, Chhattisgarh
3. Chief Conservator of Forest, Chhattisgarh, Aranya Bhawan, Medical College Road, Raipur, Chhattisgarh
4. Divisional Forest Officer, Working Plan Division, Jagdalpur, Chhattisgarh
5. Yashwant Kumar, S/o R. P. Sahu Draftsman, Working Plant Division, Forest Office, Bastar Forest Division, Jagdalpur, Chhattisgarh
6. Dineshwar Badrivishal Draftsman, Through The Chief Conservator of Forest (CFO), Forest Department Raipur, District Raipur, Chhattisgarh
7. Bhaisare Mordhvaj Pundlik Draftsman in the Forest Department, Through The Chief Conservator Of Forest (CFO), Forest Department Raipur, District Raipur, Chhattisgarh
8. Yadav Sangamkumar (Yadav) Draftsman in the Forest Department, Through The Chief Conservator Of Forest (CFO), Forest Department Raipur, District Raipur, Chhattisgarh
9. Rangari Madhukar, Draftsman in the Forest Department, Through The Chief Conservator Of Forest (CFO), Forest Department Raipur, District Raipur, Chhattisgarh

----- Respondents

For Petitioner	Mr. Vinod Deshmukh, Advocate
For Respondent-State	Mr. Animesh Tiwari, Dy. AG

Hon'ble Justice Shri Sanjay K. Agrawal

Order On Board

14/06/2021

1. The petitioner was appointed on the post of Draftsman by order dated 16.11.2006 (Annexure-P/2) and thereafter she was terminated by order dated 03.07.2007 (Annexure-P/3), which she has questioned in appeal before the Appellate Authority. The Appellate Authority set aside the order dated 03.07.2003 (Annexure-P/3) by its order dated 07.07.2007 (Annexure-P/5) on the finding that the petitioner was not afforded opportunity of hearing. The petitioner was again given notice dated 18.07.2007 (Annexure-P/6), which she had replied with supporting documents vide Annexure-P/7 and again by order dated 21.08.2007 (Annexure-P/8), she has been terminated.

2. Learned counsel for the petitioner would submit that the similarly placed candidates having similar qualification as that of the petitioner are still working in the Department and without considering the written reply filed by the petitioner, only in 3 lines, the petitioner's services have been terminated vide Annexure-P/8 and the order dated 16.11.2006 has been annulled, therefore, the impugned order dated 21.08.2007 (Annexure-P/8) passed by the respondent No.4, DFO, Working Plan, Jagdalpur deserves to be set aside.
3. Learned State counsel would support the impugned order and submit that the petitioner has rightly been terminated.
4. I have heard learned counsel for the parties, considered their submissions made herein-above and also went through the records with utmost circumspection.
5. The petitioner was duly appointed on the post of Draftsman after following the due procedure, but she was terminated by order dated 03.07.2007, which was challenged before

the Appellate Authority by filing an appeal and the Appellate Authority allowed the appeal preferred by the petitioner vide order dated 07.07.2007 (Annexure-P/7) and set aside the order dated 03.07.2007. Again, a notice was served to the petitioner by the respondent No.4 seeking her cancellation on the post, to which the petitioner gave her detailed reply vide Annexure-P/7 dated 30.07.2007. The respondent No.4 recorded the facts of the case and in conclusion held that the petitioner's selection is erroneous and her services are temporary, therefore, the order dated 16.11.2006 (Annexure-P/2) is annulled. The procedure followed by respondent No.4 is unknown to law. The petitioner has filed the detailed written reply clearly stating that similarly situated candidates having similar qualification are still working and even filed the documents in support of her reply, but neither the petitioner was heard personally nor the documents were verified nor the respondent No.4 took pain to find out as to whether the similarly placed persons having the same qualification are working on the same

post and annulled the appointment of the petitioner. The respondent No.4 in a very cryptic and laconic manner revoked the order dated 16.11.2006 (Annexure-P/2), by which the petitioner was appointed on the post of Draftsman. Accordingly, the impugned order dated 21.08.2007 (Annexure-P/8) is set aside and the matter is remitted back to the respondent No.4, Divisional Forest Officer, Jagdalpur. The respondent No.4 is directed to consider the case of the petitioner in accordance with law and the documents submitted by the petitioner and take decision afresh within 30 days from the date of receipt of this order.

6. The writ petition is allowed to the extent indicated herein-above. No order as to costs.

Sd/-
Sanjay K. Agrawal
Judge

Nirala