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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No.2342 of 2011**

Narayan Prasad Namdeo, S/o. Shri Bhawani Prasad Namdeo, aged about 49 years, working as Asstt. Superintendent, Labour Court, Bilaspur (CG)

----- **Petitioner****Versus**

- 1.State of Chhattisgarh, Through its Secretary, Department of Labour, D.K.S. Bhawan, Raipur (CG)
- 2.Chairman, State Industrial Court, Raipur (CG)
- 3.Registrar, State Industrial Court, Raipur (CG)
- 4.High Level Caste Scrutiny Committee, through its Director, High Level Caste Scrutiny Committee, Tribal Research and Training Institute, Pandit Din Dayal Upadhyay Nagar, Sector-4, Raipur (CG)

----- **Respondents****And****Writ Petition (S) No.2492 of 2011**

Ramesh Kumar Nishad, S/o. Late Padum Lal Nishad, aged about 44 years, R/o. Village-Murethi, P.O. Siltara, Thana – Dharsewa, Distt. Raipur (C G)

----- **Petitioner****Versus**

- 1.State of Chhattisgarh, Through its Secretary, Department of Labour, D.K.S. Bhawan, Raipur (CG)
- 2.Chairman, State Industrial Court, Raipur (CG)
- 3.Registrar, State Industrial Court, Raipur (CG)
- 4.High Level Caste Scrutiny Committee, through its Director, High Level Caste Scrutiny Committee, Tribal Research and Training Institute, Pandit Din Dayal Upadhyay Nagar, Sector-4, Raipur (CG)

----- **Respondents**

For Petitioners : Mr.Vinod Deshmukh, Advocate
 For Respondent No.1/State : Mr.Soumya Rai, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board**6/9/2021**

1. Since common question of fact and law are involved in these writ petition, they clubbed together, heard together and being disposed of by this common order.
2. Mr. Vinod Deshmukh, learned counsel for the petitioners, would submit that though notice dated 15.4.2011 (Annexure P-1 in both writ petitions) has been served to them that the State Level Caste Scrutiny Committee has already been held that they are not members of Scheduled Caste/Scheduled Tribes and they are members of Other Backward Classes, but no such decision has been taken by the State High Level Caste Scrutiny Committee, as such, the notice dated 15.4.2011 (Annexure P-1 in both writ petitions) is absolutely without jurisdiction and without authority of law as the case has already been considered by the President, Industrial Court earlier and the case has been closed as their appointments are strictly in accordance with law, but since show-cause notice in the form of decision has been issued, therefore, the impugned show-cause notice deserves to be set aside.
3. Mr. Soumya Rai, learned Panel Lawyer for respondent No.1/State, would submit that if the petitioners file reply, that will be considered in accordance with law.

4. I have heard learned counsel for the parties, considered their rival submissions made hereinabove and also went through the records with utmost circumspection.
5. Since show-cause notice has been issued to the petitioners on 25.4.2011 (Annexure P-1) and the petitioners have not filed reply, they are directed to file reply within a period of 4 weeks from today raising their grievances that will be considered and decided within a period of 3 months from the date of receipt of reply. It is made clear that the competent authority will decide the matter on its own merit without being influenced by show-cause notice that has been issued earlier.
6. Since the petitioners are being asked to file reply to show-cause notice, interim order granted by this Court on 2.5.2011 in Writ Petition (S) No.2342/2011 and on 9.5.2011 in Writ Petition (S) No.2942/2011 shall remain operative for a period of 4 months or till the final decision is taken by the competent authority.
7. With the aforesaid observation / direction, both the writ petitions finally stand disposed of. No order as to cost(s).

Sd/-

(Sanjay K.Agrawal)
Judge