

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 2742 of 2009**

1. Ved Prakash Sharma, S/o Shri Ramavatar Sharma, Aged about 36 years, Post Data Entry Operator, R/o Behind Kosha Kendra, Kumharpara, Jagdalpur, Distt. Bastar, Chhattisgarh.
2. Jagdip Shrivastava, S/o Late Shri Mahendra Kumar Shrivastava, Aged about 35 years, Post Data Entry Operator, R/o Nayapara, Jagdalpur, Distt. Bastar, Chhattisgarh.

---Petitioners**Versus**

1. State of Chhattisgarh, Through the Secretary, Department of Forest, D.K.S. Building Ministry, Raipur, Chhattisgarh.
2. Principal Chief Conservator of Forest, Forest Department, Raipur, Chhattisgarh.
3. Conservator of Forest, Jagdalpur Circle, Jagdalpur, Distt. Bastar, Chhattisgarh.
4. Director, Forest School, Jagdalpur, Distt. Bastar, Chhattisgarh.
5. Divisional Forest Officer, Working Plan Forest Division, Jagdalpur, Distt. Bastar, Chhattisgarh.

--- Respondents

For Petitioners	:-	Mr. Alok Dewangan, Advocate
For State	:-	Mr. Sunil Otwani, Addl. A.G.

Hon'ble Shri Justice Sanjay K. Agrawal
Order on Board (Through Video Conferencing)

09/06/2021

1. The services of the two petitioners herein were regularized vide order dated 13/10/2008 [Annexure P-4(A) and (B)] on the post of 'Data Entry Operator', but all of a sudden, petitioner No. 1's order of regularization has been revoked/annulled vide impugned order dated 18/02/2009 [Annexure P-1(A)] and that of petitioner No. 2's has been revoked/annulled vide impugned order dated 20/02/2009 [Annexure P-1(B)] against which this writ petition has been preferred by the petitioners.

2. Mr. Alok Dewangan, learned counsel appearing for the petitioners, would submit that services of the petitioners have been regularized on the post of 'Data Entry Operator' vide order dated 13/10/2008, but it has been revoked/annulled by the orders impugned dated 18/02/2009 and 20/02/2009 without affording minimum opportunity of hearing to them which is in violation of principles of natural justice, therefore, the impugned orders deserve to be set aside.

3. Mr. Sunil Otwani, learned Additional Advocate General, would submit that petitioners' regularization order was passed contrary to the statutory rules applicable therein, therefore, it has rightly been revoked by the impugned orders.

4. I have heard learned counsel for the parties, considered their rival submissions made hereinabove and perused the record carefully.

5. It is not in dispute that petitioners' services were regularized on the post of 'Data Entry Operator' on 13/10/2008 and it is also not in dispute that the order of regularization has been revoked/annulled by impugned orders dated 18/02/2009 and 20/02/2009 without giving an opportunity of hearing to them which is absolutely in violation of principles of natural justice. Once the order of regularization was passed, it could not have been revoked/annulled without affording an opportunity of hearing to the petitioners. As such, the impugned orders dated 18/02/2009 (Annexure P-1(A)) and 20/02/2009 (Annexure P-1(B)) is hereby set aside. However, respondents are at liberty to proceed in accordance with law.

6. With the aforesaid observation, this writ petition is allowed to the extent indicated herein-above. No cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge

Harneet