

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No.2131 of 2013

- S. S. Kanwar, S/o Late Phool Singh Kanwar, Aged About 58 Years, R/o P.W.D. Quarter No.G-1, Civil Line, Dhamtari, Police Station-City Kotwali, Dhamtari, Civil and Revenue District Dhamtari, Chhattisgarh

----- Petitioner

Versus

- 1.State Of Chhattisgarh, Through the Secretary, Public Works Department, Mantralaya, New Raipur, P.S. Rakhi, Distt. Raipur, Chhattisgarh
- 2.The Under Secretary, Government of Chhattisgarh, Public Works Department, Mantralaya, New Raipur, P.S.-Rakhi, District Raipur, Chhattisgarh
- 3.The Engineer-In-Chief, Public Works Department, Raipur, P.S. and District Raipur, Chhattisgarh

----- Respondents

WPS No.2157 of 2013

- Lusiyas Nand, S/o S/o Late Birbal Nand, Aged About 56 Years, R/o Dharampura-1, Jagdalpur, Police Chowki Dharampura, Police Station Jagdalpur, Civil and Revenue Distt Bastar, Chhattisgarh

----- Petitioner

Versus

- 1.State Of Chhattisgarh Through The Secretary, Public Works Deptt, Mantralaya, New Raipur, PS Rakhi, Dist Raipur, Chhattisgarh
- 2.Under Secretary, Govt. Of C.G, Public Works Deptt, Mantralaya, New Raipur, PS Rakhi, Dist Raipur, Chhattisgarh

3. The Engineer-In-Chief, Public Works Deptt,
Raipur, PS and Distt Raipur, Chhattisgarh

----- Respondents

For Petitioners	Mr. Goutam Khetrapal, Adv.
For Respondent-State	Mr. Sunil Otwani, Addl. AG

Hon'ble Justice Shri Sanjay K. Agrawal

Order On Board

06/09/2021

1. Since the common question of law and fact is involved in both the writ petitions, they are being heard together and are being disposed of by a common order.
2. Mr. Khetrapal, learned counsel for the petitioners, would submit that the petitioners were promoted to the post of Assistant Engineer from the post of Sub Engineer vide order dated 31.07.2008 (Annexure-P/8), but by the impugned order dated 15.07.2013 (Annexure-P/1), their promotion on the post of Assistant Engineer has been cancelled/annulled and they have been demoted on the post of Sub Engineer citing reason that they do not possess the requisite qualification for promotion on the post of Assistant Engineer, that too without

affording opportunity of hearing to the petitioners, which is in violation of principle of natural justice, therefore, the impugned order deserves to be set aside.

3. Mr. Otwani, learned State counsel, would support the impugned order.
4. I have heard learned counsel for the parties, considered their rival submissions made herein-above and went through the records with utmost circumspection.
5. True it is that the petitioners were promoted to the post of Assistant Engineer vide order (Annexure-P/8) and by the impugned order (Annexure-P/1), their promotion on the post of Assistant Engineer has been cancelled/annulled and they have been demoted on the post of Sub Engineer, but the fact remains that no opportunity of hearing was afforded to the petitioners while taking away their right to hold the promotional post, which cannot be done without affording reasonable opportunity of hearing to the petitioners, as they had been working on the promotional post for the last 5 years, as such the same is in violation

of principle of natural justice and therefore the impugned order (Annexure-P/1) in both the writ petitions, to the extent of petitioners' promotion, is set aside. However, the respondents are at liberty to proceed in accordance with law.

6. Both the writ petitions are allowed. No order as to cost (s).

Sd/-
Sanjay K. Agrawal
Judge

Nirala