

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 1828 of 2009**

1. Tapesesh Kumar Patel S/o Gyani Prasad Patel, Aged about 30 years, Occupation Data Entry Operator at South Sarguja Vanmandal Forest Division, Ambikapur, Distt. Sarguja, Chhattisgarh.
2. Umesh Kumar Toppo S/o Borhe Ram Toppo, Aged about 25 years, Occupation Data Entry Operator at South Sarguja Vanmandal Forest Division, Ambikapur, Distt. Sarguja, Chhattisgarh.
3. Sandeep Kumar Pathak, S/o G.P. Pathak, Aged about 31 years, Occupation Data Entry Operator at Koriya Vanmandal Baikunthpur, Distt. Koriya, Chhattisgarh.
4. Ku. Jyoti Grace Tirki, D/o Julius Tirki, Aged about 24 years, Occupation Data Entry Operator at Guru Ghasidas National Park, Baikunthpur, Baikunthpur, Distt. Koriya, Chhattisgarh.

---Petitioners**Versus**

1. State of Chhattisgarh, Through Secretary, Forest Department, D.K.S. Bhawan, Mantralay, Raipur, Distt. Raipur, Chhattisgarh.
2. Chief Conservator of Forest Raipur, Distt. Raipur, Chhattisgarh.
3. Conservator of Forest Sarguja Forest Division, Ambikapur, Distt. Sarguja, Chhattisgarh.
4. Regional Forest Officer, South Sarguja Forest Division, Ambikapur, Distt. Sarguja, Chhattisgarh.

5. Divisional Forest Officer, Koriya Forest Division,
Koriya, Distt. Koriya, Chhattisgarh.

6. Director, Guru Ghasidas National Park, Baikunthpur,
Distt. Koriya, Chhattisgarh.

--- Respondents

For Petitioners	:-	Mr. Awadh Tripathi, Advocate
For State	:-	Mr. Sunil Otvani, Addl. A.G.

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

09/06/2021

1. The services of the four petitioners herein were regularized vide orders dated 26/12/2008, 26/12/2008, 26/02/2009 and 31/01/2009 respectively (Annexures P/12 to P/15) on the post of 'Data Entry Operator', but all of a sudden, by impugned order dated 24/03/2009 (Annexure P-2) the order of regularization has been revoked/annulled against which this writ petition has been preferred by the petitioners.

2. Mr. Awadh Tripathi, learned counsel appearing for the petitioners, would submit that services of the petitioners have been regularized on the post of 'Data Entry Operator' vide orders dated 26/12/2008,

26/12/2008, 26/02/2009 and 31/01/2009 respectively but it has been revoked/annulled by the order impugned dated 24/03/2009 without affording minimum opportunity of hearing to them which is in violation of principles of natural justice, therefore, the impugned order deserves 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 order.

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 26/12/2008, 26/02/2009 and 31/01/2009 and it is also not in dispute that the order of regularization has been revoked/annulled by impugned order dated 24/03/2009 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 order dated 24/03/2009 (Annexure P-2) 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