

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 1344 of 2010

- Lavkush Prasad Mishra, S/o Late Bindeshwari Prasad Mishra, aged about 48 years, working as Computer, Asstt. Grade-II, Office of Chief Medical Officer, Ambikapur, District Sarguja, C.G.

----- Petitioner

Versus

1. State of Chhattisgarh, through its Secretary, Health and Family Welfare Department, Ministry D.K.S. Bhawan, Raipur, C.G.
2. Director, Directorate of Health Service, Raipur, C.G.
3. Dy. Director, Office of Directorate of Health Service, Raipur, C.G.

----- Respondents

For Petitioner :- Mr. Viold Deshmukh, Advocate
For State/Respondents :- Mr. Ravi Bhagat, Dy.G.A.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

28/07/2021

1. Proceedings of this matter have been taken

up through video conferencing.

2. The petitioner herein calls in question the impugned order vide Annexure P/1 dated 05.03.2010 by which he has been reverted to the of post of Assistant Grade-III revoking his order of promotion vide Annexure P/7 dated 24.09.2008.

3. Mr. Vinod Deshmukh, learned counsel for the petitioner, would submit that petitioner's order of promotion dated 24.09.2008 has been annulled/revoked by the impugned order dated 05.03.2010 without giving any opportunity of hearing even no notice has been served to the petitioner before annulling petitioner's promotion which is in violation of principle of natural justice and, therefore, impugned order is liable to be set aside.

4. Mr. Ravi Bhagat, learned State counsel, would oppose the submission made by learned counsel for the petitioner and support the impugned order.

5. I have heard learned counsel for the

parties, considered their rival submissions herein-above and went through the records with utmost circumspection.

6. It is not in dispute that the petitioner was promoted on the post of Assistant Grade-II by order dated 24.09.2008 and he has joined the said post and working on the said post till the impugned order was passed on 05.03.2010 annulling his order of promotion dated 24.09.2008. It is also not in dispute that he was not granted any opportunity of hearing and no notice was served to him before annulling his promotion order to make representation supporting his order of promotion. Once the petitioner has been promoted on the post of Assistant Grade-II which was joined and working, petitioner's promotion order cannot be taken away without giving any reasonable opportunity of hearing to the petitioner by serving a notice and, as such, the impugned order passed which violates the principle of natural justice is liable to be and hereby set aside.

7. The instant petition is allowed to the extent indicated herein-above. However, respondents are at liberty to proceed in accordance with law. No order as to cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge

Ankit