

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 4551 of 2021**

Moti Lal Nishad S/o Shri Bhukhau Ram Nishad, Aged About 40 Years
R/o Village Bhandarpur, Singhangarh, Tahsil Sahaspur Lohara,
District Kabirdham, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Panchayat And Rural Development, Mahanadi Bhawan, Mantralaya Atal Nagar, New Raipur, District Raipur, Chhattisgarh
2. Chief Executive Officer, Zila Panchayat Bemetara, District Bemetara Chhattisgarh
3. Chief Executive Officer, Janpad Panchayat Saja, District Bemetara Chhattisgarh
4. District Education Officer, Bemetara, District Bemetara, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Ajay Shrivastava, Advocate
For State	:	Mr. Ishan Verma, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****31.08.2021**

1. Since the factual matrix of case and the dates involved in the Writ Petition being identical, this Writ Petition is being disposed off by a common order.
2. The facts relevant for adjudication of the present Writ Petition is that the petitioner before this Court was appointed as a Shiksha Karmi Grade-III vide order dated 29.06.2007. Having worked for a period of about 10 years the service of petitioner was abruptly terminated vide

order dated 11.01.2017. The order of termination was inflicted upon 20 persons. The petitioner had approached the High Court and the High Court quashed the order of termination on the ground of there being a clear violation of Rule 7 of the Chhattisgarh Panchayat (Discipline and Appeal) Rules, 1999. The petitioner herein, however, had challenged the order before the statutory Appellate Authority i.e. the Collector and the Collector, however, rejected the appeal on 09.11.2017. The order of the Collector was later on challenged before the Revisional authority i.e. the Divisional Commissioner; and the Revisional authority, however, vide order dated 09.05.2019 allowed the revision petition and set-aside the order of the Appellate Authority on the same ground on which the High Court had earlier quashed the order of termination dated 11.01.2017. However, the Commissioner while allowing the revision petition remitted the matter back before the Chief Executive Officer for passing of a fresh order and also taking note of the resolution dated 12.10.2017 of the General Administration Committee of the Janpad Panchayat, Saja. The General Administration Committee of Janpad Panchayat Saja has passed a resolution resolving withdrawal of the termination order dated 11.01.2017 in respect of the person, but till date the same has not been implemented, so far as the petitioner herein is concerned.

3. Given the aforesaid undisputed factual matrix, as is revealed from the contents of the writ petition, it appears that it is a case where few of the persons, who had come to the High Court had got the advantage of reinstatement in the light of the resolution of the General Administration Committee dated 12.10.2017 and at the same time few of the similarly placed persons have got an order of reinstatement,

whereby the order for termination has been set aside by the High Court, however, so far as the petitioner is concerned, the respondents have not taken any decision so far as the General Administration Committee's resolution dated 12.10.2017, neither has the Chief Executive Officer of the Janpad Panchayat - Saja taken any decision in the light of the decision rendered by the Revisional authority i.e. the Divisional Commissioner on 09.05.2019.

4. Given the aforesaid facts, this Court is of the opinion that no fruitful purpose would be served in keeping the writ petition pending at this juncture, rather ends of justice would serve, if the writ petition stands disposed off with a direction to the respondents No. 2 to 4 to immediately scrutinize the claim of petitioner and consider whether the claim of petitioner is similar if not identical to the other persons who have been taken back in service and who were also terminated vide the same order dated 11.01.2017 and an appropriate decision be taken within a period of 60 days from the date of receipt of a copy of this Order.
5. It shall be the responsibility of petitioner to apprise the Respondents No. 2 to 4, so far as the order passed by this Court is concerned.
6. With the aforesaid observations, the Writ Petition stands disposed off.

**Sd/-
(P. Sam Koshy)
Judge**