

HIGH COURT OF CHHATTISGARH AT BILASPUR**Writ Petition (S) No. 1966 of 2013**

Kodulal Tiwari S/o Late Mangal Deed Tiwari, Aged about 40 years, R/o Paras Nagar, Raipur, Police Station Devendra Nagar, Civil and Revenue Distt. Raipur, Chhattisgarh.

---Petitioner

Versus

- 1.State of Chhattisgarh, Through the Secretary, Health and Family Welfare Department, Mahanadi Bhawan, Naya Raipur, Distt. Raipur, Chhattisgarh.
- 2.The Joint Director and Superintendent Dr. Bhimrao Ambedkar Memorial Hospital, Raipur, Distt. Raipur, Chhattisgarh.

---Respondents

Writ Petition (S) No. 1967 of 2013

Brijbhushan Dwivedi S/o Chunnilal Dwivedi, Aged about 42 years, R/o Paras Nagar, Raipur, Police Station Devendra Nagar, Mahanadi Bhawan, Naya Raipur, Distt. Raipur, Chhattisgarh.

---Petitioner

Versus

- 1.State of Chhattisgarh, Through the Secretary, Health and Family Welfare Department, Mahanadi Bhawan, Naya Raipur, Distt. Raipur, Chhattisgarh.
- 2.The Joint Director and Superintendent Dr. Bhimrao Ambedkar Memorial Hospital, Raipur, Distt. Raipur, Chhattisgarh.

---Respondents

For Petitioners	:- Mr. Rakesh Pandey, Advocate
For State	:- Mr. Animesh Tiwari, Dy. A.G.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

20/09/2021

1. Since common question of law and fact is involved in both of these writ petitions, they have been heard together and are being decided by this common order.
2. Petitioners herein call in question the order dated 18/06/2013 (Annexure P/1) passed by respondent No. 2 by which petitioners have been removed from service.
3. Mr. Rakesh Pandey, learned counsel for the petitioners, would submit that petitioners' services were regularized on 04/10/2008 (Annexure P/3) as Fourth Class Employees with a probation period of two years, but thereafter, by impugned order dated 18/06/2013, without holding any departmental enquiry and without giving any reasonable opportunity of hearing, petitioners have been removed from service, which is absolutely illegal and bad in law.

4. Mr. Animesh Tiwari, learned State counsel, would support the impugned order.
5. I have heard learned counsel for the parties at length and perused the records.
6. True it is that petitioners' services were regularized on 04/10/2008 (Annexure P/3) as Fourth Class Employees on a pay-scale of 2550-3200/- with a probation period of two years, but thereafter, by order dated 18/06/2013 (Annexure P/1), their services have been terminated by respondent No. 2 without assigning any reason and without holding departmental enquiry. Once the petitioners had become regular employees, the establishment could have terminated their services only after holding departmental enquiry in accordance with the applicable Rules and Regulations and giving them reasonable opportunity of hearing, which has not been done, as such, the impugned order (Annexure P/1) terminating petitioners' services is absolutely illegal and bad in law and it is hereby set aside. Since petitioners are already continuing in service by interim order dated 10/07/2013 passed by this Court, no further order is

required, however, the respondents are at liberty to proceed in accordance with law.

7. With the aforesaid observation, these writ petitions are allowed to the extent indicated herein-above. No cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge

Harneet