

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition (S) No.272 of 2016

Mithlesh Kushwaha, S/o Ramlakhan Kushwaha, aged about 31 years,
R/o Village and Post Ranai, Tahsil Baikunthpur, District Koriya (C.G.)
---- Petitioner

Versus

1. State of Chhattisgarh, Through the Secretary, General Administration Deptt., Mahanadi Bhawan, Naya Raipur.
 2. The Secretary, Tribal Development Department, Mahanadi Bhawan, Naya Raipur (C.G.)
 3. The Assistant Commissioner, Tribal Development, Koriya, District Koriya (C.G.)
 4. The Collector, District Koriya (C.G.)
 5. The Deputy Collector, Koriya, District Koriya (C.G.)
- Respondents

For Petitioner: Mr. Ashok Kumar Shukla, Advocate.
For Respondents / State: -
Mr. Suyash Dhar, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

13/12/2021

1. The petitioner herein calls in question legality, validity and correctness of the order dated 27-4-2015 (Annexure P-1) by which his order of appointment dated 12-9-2014 on the post of Peon under Contingent Establishment has been set aside.
2. Mr. Ashok Kumar Shukla, learned counsel appearing for the petitioner, would submit that though the petitioner was appointed on 12-9-2014, but notice dated 13-4-2015 has been issued to him asking him to submit reply within three days and by unreasoned and non-speaking order dated 27-4-2015, his appointment has been cancelled which

violative of the principles of natural justice.

3. Mr. Suyash Dhar, learned State counsel, would submit that after going through the show cause notice and reply, and after finding that the reply is not satisfactory, by the impugned order, the appointment of the petitioner has been cancelled.
4. I have heard learned counsel for the parties and considered their rival submissions made herein-above and also went through the record with utmost circumspection.
5. Admittedly, the petitioner was appointed on the post of Peon under Contingent Establishment by order dated 12-9-2014 and he worked for a period of six months and thereafter, show cause notice was issued to him on 13-4-2015 giving only three days' time to submit reply, thereafter, by the impugned order dated 27-4-2015 his appointment has been cancelled.
6. The impugned order dated 27-4-2015 deserves to be set aside on two grounds, firstly, no sufficient time to file reply was given to the petitioner, only three days' time was granted to submit reply and secondly, even the order dated 27-4-2015 is totally an unreasoned and non-speaking order and no reason has been assigned as to why his appointment is being cancelled, only branding the reply as non-satisfactory, the impugned order of cancellation of appointment has been passed which is violation of the principles of natural justice as well as it is a non-speaking and unreasoned order. Consequently, the impugned order dated 27-4-2015 to the extent of the petitioner is hereby set aside and the matter is remitted to the Collector (Tribal Welfare), Koriya to afford reasonable time of two weeks to the petitioner to file representation and thereafter, pass a reasoned and

speaking order within a period of 30 days from the date of receipt of the representation.

7. With the aforesaid observation and direction, the writ petition is partly allowed. No order as to cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge

Soma