

CF-100 ✓
(3)

IN THE HIGH COURT OF JUDICATURE CHHATTISGARH AT BILASPUR

W.P NO 3880/2003

PETITIONER:

Johit Ram Chouhan
S/o Late Sri C R Chouhan
R/o New Shanti Nagar,
Behind Shankar Niwas,
RAIPUR-CHHATTISGARH

: VERSUS:

RESPONDENTS:

P. R. No. 3676/03
Presented by Shri. Rakesh Sahy
dated 22-11-03

1. State of Chhattisgarh,
Through: Its Secretary,
Home Department,
Mantralay D K S Bhawan,
RAIPUR-CHHATTISGARH
2. Inspector General of Prisons
Office of Inspector General
Prisons, RAIPUR-CHHATTISGARH

PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

आदेश पत्रक

C.P. No. 3880/03

मामला क्रमांक

सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<p><u>28.11.2003</u></p> <p>Petitioner by Shri Vinod Deshmukh, Advocate.</p> <p>Shri Sanjay K. Agarwal, Deputy Advocate General takes notice on behalf of the Respondents.</p> <p>Heard.</p> <p>By this writ petition under Article 226/227 of the Constitution of India the petitioner seeks to challenge the order dated 1.11.2003 (Annexure P/1) passed by the Respondent No.2 by which the petitioner is to retire w.e.f. 30th November, 2003 on attaining the age of 60 years. The case of the petitioner is that he was appointed as Black Smith Instructor on temporary basis on 5.10.1962 in District Jail, Class-I, Rewa. Thereafter he was confirmed on the said post on 15.10.1967. At present the petitioner is working as Instructor in Central Jail, Raipur. As per the Rules every Govt. Teacher is to retire from service on the afternoon of the last working day of the month in which he attains the age of sixty two (62) years and for the purpose of this Rule 'Teacher' means a Govt. servant by whatever designation called, appointed for the purpose of teaching in Govt. Educational Institutions, including Technical or Medical Education Institutions, therefore the impugned order is contrary to the Govt.</p>	

आदेश पत्रक

C.P.No. 3880/03

मामला क्रमांक

सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित - 2 -	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<p>Rules. The petitioner's case falls under the definition of the Govt. Teacher therefore the action of the respondents is arbitrary.</p> <p>I have heard learned counsel for the parties.</p> <p>Learned counsel for the petitioner submits that the petitioner has made a representation before the Respondent No.2 on 12.9.2003 but no decision has been taken on that representation by the Respondent No.2 therefore the petitioner may be allowed to make a fresh representation before the Respondent No.2 to which learned Deputy Advocate General has no objection.</p> <p>Having heard learned counsel for the parties and having regard to the facts and circumstances of the case the petitioner is allowed to make a detailed representation to the Respondent No.2 raising all his grievances within a period of 10 days from today and the Respondent No.2 will decide the representation within another 30 days from the date of receipt of the representation in an objective manner considering all the grievances of the petitioner by passing a reasoned order.</p> <p>With the above observations this petition is disposed of finally.</p> <p>Parties are entitled for certified copy of this order.</p>	

Sd/-
L.C.BHADOO
Judge

Thak ur .

29/11/12