

(10)

CF-19/04

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THE HIGH COURT OF JUDICATURE AT BILASPUR
(CHHATTISGARH)

W. P. NO. 854 OF 2004

PETITIONERS

1. Sant Ram Sahu, S/o Shri Natthuram Sahu, aged 42 Years, Occupation - Service, Presently posted as Asstt. Sub Inspector, Krishi Upaj Mandi, Sarangarh, Distt. Raigarh [Chhattisgarh]
2. Ramji Vaishnav, S/o Shri Garib Das Vaishnav, aged about 34 years, Occupation - Service, Presently posted as Asstt. Sub Inspector, Krishi Upaj Mandi, Nagari, District Rajnandgaon [C.G]
3. Kishore Masih, S/o Shri Laxman, aged about 46 years, Occupation - Service, Presently posted as Asstt. Sub Inspector, Krishi Upaj Mandi, Nagari, District Rajnandgaon [C.G]
4. Mohan Lal Yadav, S/o Shri Mangloo Ram Yadav, aged about 46 years, Occupation - Service, Presently posted as Asstt. Sub Inspector, Krishi Upaj Mandi, Nagari, District Rajnandgaon [C.G]
5. Laxmi Prasad Soni, S/o Shri Chhedi Lal Soni, aged about 42 years, Occupation - Service, Presently posted as Asstt. Sub Inspector, Krishi Upaj Mandi, Takhatpur District Bilaspur [Chhattisgarh]
6. Vishnu Verma, S/o Shri Devnath Verma, aged 35 years, Occupation - Service, Presently posted as Asstt. Sub Inspector, Krishi Upaj Mandi, Kasdol, District Raipur [Chhattisgarh]



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7. Arun Verma, S/o Shri Neel Kanth Verma, aged 39 yrs., Occupation - Service, Presently posted as Asstt. Sub Inspector, Krishi Upaj Mandi, Kasdol, District Raipur [Chhattisgarh]
8. Kishan Lal Nishad, S/o Late Shri Bisahu R Nishad aged about 44 years, Occupation - Service, Presently posted as Asstt. Sub Inspector, Krishi Upaj Mandi, Kurud, District Dhamtari [Chhattisgarh]
9. Ram Kumar Sahu, S/o Shri H. K. Sahu, aged 40 years, Occupation Service, Presently posted as Asstt. Sub Inspector, Krishi Upaj Mandi, Raipur, District Raipur [Chhattisgarh]
10. Ghanshyam Yadu, S/o Shri Natthu Lal Yadu, aged about 39 years, Occupation - Service, Presently posted as Asstt. Sub Inspector, Krishi Upaj Mandi, Bagbahara, District Raipur [Chhattisgarh]
11. Shiv Narayan Singh, S/o Shri Raju Singh, aged about 39 years, Occupation - Service, Presently posted as Asstt. Sub Inspector, Krishi Upaj Mandi, Ambikapur, Distt. Surguja [Chhattisgarh]
12. Abdul Quadir Ansari, S/o Shri Abdul Zafar, aged 46 years, Occupation- Service, Presently posted as Asstt. Sub Inspector, Krishi Upaj Mandi, Surajpur, District Surguja [Chhattisgarh]
13. Ram Pratap Sahu, S/o Shri Chova Lal Sahu aged about 40 years, Presently posted as Asstt. Sub Inspector, Krishi Upaj Mandi, Rajim [C.G.]



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14. Thakur Ram Chandrakar,
S/o Bisahu R.Chandrakar,
aged about 37 years,
Occupation - Service,
Presently posted as Asstt.
Sub Inspector, Krishi Upaj
Mandi, Bagbahara, District
Raipur [Chhattisgarh]

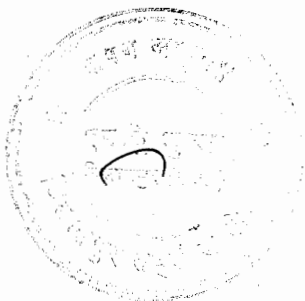
15. Milan Ram Verma, S/o Shri
Pooran Lal Verma, aged 44
years, Occupation - Service,
Presently posted as Asstt.
Sub Inspector, Krishi Upaj
Mandi, Kusumi, District
Rajnandgaon [C.G.]

16. Mohammed Yusuf, S/o
Late Fakir Mohammed,
aged about 35 years,
Occupation - Service,
Presently posted as Asstt.
Sub Inspector, Krishi Upaj
Mandi, Rajim, District
Dhamtari [Chhattisgarh]

17. Bharat Das Vaishnav, S/o
Bhagwat Das Vaishnav,
aged about 42 years,
Occupation - Service,
Presently posted as Asstt.
Sub Inspector, Krishi Upaj
Mandi, Baloda Bazar, Distt.
Dhamtari [Chhattisgarh]

18. Ramadhar Sahu, S/o Shri
Ratan Das Sahu, aged
about 46 years,
Occupation - Service,
Presently posted as Asstt.
Sub Inspector, Krishi Upaj
Mandi, Baloda Bazar, Distt.
Raipur [Chhattisgarh]

19. Pramod Kumar Sharma,
S/o Sri Ramgopal Sharma,
aged about 38 years,
Occupation - Service,
Presently posted as Asstt.
Sub Inspector, Krishi Upaj
Mandi, Rajim, District
Dhamtari [Chhattisgarh]



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VERSUS

RESPONDENTS

1. Chhattisgarh Rajya Krishi
Vipanan Board, a body
Constituted under CG
Krishi Upaj Mandi
Adhiniyam 1972, through its
Managing Director, Purani
Ganjmandi Parisar, Raipur
Chhattisgarh.
2. Krishi Upaj Mandi Samiti
Raipur Mandi through its
Chairman, Raipur Mandi
Dist. Raipur [Chhattisgarh]
3. Krishi Upaj Mandi Samiti
Baloda Bazar through its
Chairman, Baloda Bazar
District Raipur [C G]
4. Krishi Upaj Mandi Samiti
Kasdol Mandi through its
Chairman, Kasdol Mandi,
Distt. Raipur [C G]
5. Krishi Upaj Mandi Samiti
Ambikapur through its
Chairman, Ambikapur
District Surguja [CG]
6. Krishi Upaj Mandi Samiti
Bagbahara through its
Chairman, Bagbahara,
Distt. Raipur [Chhattisgarh]
7. Krishi Upaj Mandi Samiti
Kurud through its
Chairman, Kurud District
Dhamtari [Chhattisgarh]



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8. Krishi Upaj Mandi Samiti
Rajim Mandi through its
Chairman, Rajim Mandi
District Raipur [C G]

9. Krishi Upaj Mandi Samiti
Kusumi Mandi through its
Chairman, Kusumi Mandi
Dhamtari [Chhattisgarh]

10. Krishi Upaj Mandi Samiti
Sarangarh through its
Chairman, Sarangarh
District Raigarh [C G]

11. Krishi Upaj Mandi Samiti
Nagari Mandi through its
Chairman, Nagari Mandi
Dist. [C G]

12. Krishi Upaj Mandi Samiti
Takhatpur through its
Chairman, Takhatpur
District Bilaspur [C G]

13. Krishi Upaj Mandi Samiti
Surajpur through its
Chairman, Surajpur
District Surguja [C G]



**WRIT PETITION UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN
NATURE OF CERTIORARI, MANDAMUS PROHIBITION
AND OTHER SUITABLE WRIT OR WRITS, DIRECTION OR
DIRECTIONS, ORDER OR ORDERS:**

The petitioner

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.No. 854 सन् 2004

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	<p>30.06.2004</p> <p>Shri Manindra Shrivastava, counsel for the petitioners.</p> <p>Shri Ranbir Singh, Counsel for respondents/ Board.</p> <p>Heard.</p> <p>The matter is such where the petitioners who are working in Chhattisgarh Rajya Krishi Vipanan Board are being deregularized. Petitioners were working as Daily Wage Employees. They were regularized on 27.5.2002. The Board has received certain complaints and in the meeting of Board of Directors the matter was scrutinized and the decision to regularize has been taken.</p> <p>Learned counsel for the petitioner submits that the decision to deregularize and relegate them to the previous status of Daily Wage Employees is against the principal of natural justice. Learned counsel submits that the matter is covered by the decision of the Supreme Court reported in <u>1999 1 SCC 378 (Gajanan L. Perenkar -V- State of Goa and another)</u> where in paragraph 8, it has been held as under:-</p> <p><i>The manner in which the order dated 21.1.1999/ 22.1.1999 came to be made was, to say the least, not proper.</i></p>	

मामला क्रमांक W.P. 854/04 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश - १ -	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	<p><i>The appellant was denuded of the benefits of the order dated 16.2.1994 unheard. There has been a breach of the principle of natural justice and a violation of fair play in action. The earlier order made in favour of the appellant as early as on 16.2.1994 was rescinded without giving any opportunity to the appellant to show cause against it. Absorption of the appellant as Headmaster of Govt. High School by the order dated 16.2.1994 had not been put in issue through any proceedings by any party at any point of time. That benefit could not have been taken away from the appellant without affording him any opportunity of hearing, even where the absorption as Headmaster of the High School had been put in issue. The principles of natural justice have been respected in their breach. The order dated 21.1.1999/ 22.1.1999 was made by the respondents influenced by the observations contained in para 2 of the order of High Court (supra), which observations, we have already found, were not at all called for. In the facts and circumstances of the case, the order dated 21.1.1999/22.1.1999 cannot be sustained and we accordingly set it aside.</i></p> <p>A plain reading of the above shows that the benefit could not have been snatched from the petitioners without affording him any opportunity of hearing, even where his regularization had been put in issue.</p> <p>Learned counsel for the petitioner further relied on a decision of M.P. High Court in a similar case of Radha Mohan Goswami and others -Vs- State of Madhya Pradesh and others reported in 2004 M.P.S.T. 49 where it has been held that in case of</p> <p>cancellation of regularization order, a right had been accrued to</p>	

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक अप 854/04 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश - 3 -	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
<p>1/10/7</p>	<p>the petitioner and it was incumbent upon them to issue show cause notice to the petitioners and consider their objections.</p> <p>Learned counsel for the petitioners fairly submit that the orders have not yet been given and they may be given due opportunity of hearing and after hearing them individually, orders may be passed.</p> <p>In view of this submission and in view of the decisions cited above, the petitioners may make representations and in case such representations are filed, the same shall be considered and decided by the Board as early as possibly preferably within 2 months thereafter, after hearing the petitioners individually. Till the decision is taken, the petitioners may be continued.</p> <p>With this observation, this petition stands disposed of.</p> <p>Consequently, application for ad-interim relief also stands disposed of. Copy be filed in connected cases.</p> <p>C.C.as per rules.</p>	<p>Sd/- Fakhruddin Judge</p>