

PR. No. 1790/2010
Petitioner Mahendra Kalhyap
dated 12/14/2010

CF 1007

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

W.P.S.No. of 2010

1770

BETWEEN

✓ Ramesh Kumar Sao, aged about 41 years, s/o Sashidhar Sao,
Occup. Waterman, in the department of Tribal, Govt. Higher
Secondary School, Barra, Block: Barra, District: Raigarh (C.G.)

PETITIONER

AND

- ✓ 1. The State Of Chhattisgarh,
Through the Secretary Department of Tribal Welfare,
Mantralay, D.K.S. Building, Raipur, Tehsil and District
Raipur (C.G.).
- ✓ 2. The Commissioner, Tribal Department,
Tehsil and District Raigarh (C.G.)
- ✓ 3. The Assistant Commissioner,
Tribal Development Raigarh,
District Raigarh (C.G.).
- ✓ 4. The Collector,
Tribal Welfare Branch,
District: Raigarh (C.G.).

**RESPONDENTS**

WRIT PETITION UNDER ARTICLES 226 OF THE CONSTITUTION

OF INDIA

HIGH COURT OF CHHATTISGARH : BILASPUR

WRIT PETITION (S) NO. 1770 OF 2010

PETITIONER

Ramesh Kumar Sao

Versus

RESPONDENTS

The State of Chhattisgarh & Others

(Writ Petition Under Article 226 of the Constitution of India)

Single Bench : Hon'ble Shri Satish K. Agnihotri, J.

Present :- Shri Avinash Chand Sahu, Advocate appears on behalf of Shri Rakesh Sahu, Advocate for petitioner.

Shri M.P.S. Bhatia, Dy. Govt. Advocate for the State.

ORDER (ORAL)

(Passed on this 30th day of April, 2010)

Learned counsel appearing for the petitioner submits that the issue involved in the present petition is as to whether grant of regular pay scale could be withdrawn without affording an opportunity of hearing is well settled in **Mannohan Patel & others v. State of Madhya Pradesh & Others**. Thus, the petitioner, on his request, is permitted to make a representation before the respondent authorities and the authorities concerned, may be directed to consider and decide the same in accordance with law.

2) At this juncture, Shri Bhatia, learned counsel appearing for the State submits that if a representation is made by the petitioner, the same shall be considered and decided in accordance with law and in view of the decision of this Court rendered in **Mannohan Patel** (supra), subject to verification of facts.

3) Accordingly, the respondent authorities are directed to consider and decide the case of the petitioner in the light of decision of this Court rendered in **Mannohan Patel** (supra) and also consider the fact that as to whether the petitioner was afforded opportunity of hearing before passing the impugned order. If the impugned order has been passed without affording an opportunity of hearing to the petitioner to put forward his case the same stands quashed.

4) With the aforesaid observations and directions, the petition stands disposed of.

Ashok

WP (S) No. 1792 of 2005 (decided on 11-7-2006)

Sd/-
Satish K. Agnihotri
Judge