



2025:CGHC:5714

NAFR

## HIGH COURT OF CHHATTISGARH AT BILASPUR

### REVP No. 19 of 2025

- 1** - Kishor Kumar S/o Bhanupratap Aged About 43 Years Village Nagurdeeh, Post-Kirti, P/s Shivrinarayan District Jangjir-Chama, Chhattisgarh.
- 2** - Sankranti Bai Bharti W/o Pitambar Bharti Aged About 50 Years Village And Post- Charpara, Thana-Malkharoda, District Sakti, Chhattisgarh
- 3** - Geeta Ram Mahilange S/o Firatram Aged About 31 Years Village-Khapridheeh, Post- Kirit, P/s-Navagad, District Janjgir-Champa, Chhattisgarh
- 4** - Dhaneswar Prasad Kevat S/o Anand Ram Kevat Aged About 45 Years Village And Post- Komargad, P/s- Pamgad, District Janjgir-Champa, Chhattisgarh
- 5** - Krishna Chand Sidar S/o Meghnat Sidar Aged About 45 Years Village And Post- Kotmi, Tahsil- Dabhra, District Sakti, Chhattisgarh
- 6** - Chetan Singh Shriwas S/o Gangaram Shriwas Aged About 46 Years Village- Churaghota, Tahsil- Dabhra, District Sakti, Chhattisgarh
- 7** - Nindrawati Nisad W/o Pradeep Kumar Nisad Aged About 47 Years Village And Post- Kotmi, Tahsil- Dabhra, District Sakti, Chhattisgarh
- 8** - Pokhraj Maitri S/o Chabilal Maitri Aged About 44 Years Village-Semradheh, Post- Churaghat, Tahsil- Dabhra, District Sakti, Chhattisgarh
- 9** - Chikhalal Sidar S/o Siyaram Sidar Aged About 40 Years Village-Amlibhina, Post- Taprda, P/s- Pushor, District Raigarh, Chhattisgarh
- 10** - Chamar Singh Sidar S/o Shayam Sundar Sidar Aged About 41 Years Village- Amlibhina, Post- Taprda, P/s - Pushor, District Raigarh, Chhattisgarh
- 11** - Liladhar Jaiswal S/o Bhagirati Jaiswal Aged About 40 Years Post-Sakrali, Tahsil- Dabhra, District Sakti, Chhattisgarh
- 12** - Rajkumari Sidar W/o Mahendra Kumar Sidar Aged About 47 Years Village And Post- Kotmi, Tahsil- Dabhra, District Sakti, Chhattisgarh
- 13** - Manchand Aazad S/o Bhurelal Aazad Aged About 50 Years Village And Post- Kotmi, Tahsil- Dabhra, District Sakti, Chhattisgarh

**14** - Rajkumar Karsh S/o Kiritram Aged About 48 Years Village And Post-Kotmi, Tahsil- Dabhra, District Sakti, Chhattisgarh

**15** - Asharam Patel S/o Shershing Aged About 52 Years Village And Post-Kotmi, Tahsil- Dabhra, District Sakti, Chhattisgarh

**16** - Shashibhusan S/o Malkhram Sidar Aged About 46 Years Village And Post- Khaira, Tahsil- Dabhra, District Sakti, Chhattisgarh

**17** - Kanhyalal Patel S/o Mahtma Ram Patel Aged About 45 Years Village-Chorsi, Post- Amlidheh, Tahsil- Dabhra, District Sakti, Chhattisgarh

**18** - Tuleshwar Patel S/o TIKRARAM Patel Aged About 30 Years Village- Chorsi, Post- Amlidheh, Tahsil- Dabhra, District Sakti, Chhattisgarh

**19** - Umashankar Chouhan S/o Pakluram Aged About 50 Years Tahsil-Dabhra, District Sakti, Chhattisgarh

**20** - Deepak Kumar Yaav S/o Mahettar Lal Yadav Aged About 43 Years Village- Chawaripali, Tahsil- Dabhra, District Sakti, Chhattisgarh.

**21** - Sanjay Kumar Diwakar S/o Late Nirml Diwakar Aged About 39 Years Village- Paladi Kala, Post- Mukta( Raja ) P/s- Baradwar, Tahsil- Sakti, District Sakti, Chhattisgarh

**22** - Chhotelal Kashyap S/o Dilharan Prasad Kashyap Aged About 35 Years Village- Ringni, Post- Borda, Tahsil- Navagad, District Janjgir-Champa, Chhattisgarh

**23** - Liladhar Banjare S/o Babulal Banjare Aged About 54 Years Village And Post- Sendri, Tahsil- Jaijaipur, District Sakti, Chhattisgarh

**24** - Arvind Kumar Barman S/o Mahavir Aged About 35 Years Village And Post- Rasota, Tahsil And Thana- Pamgad, District Janjgir-Champa, Chhattisgarh

**25** - Sushila Vishwakarma W/o Chandramani Aged About 44 Years Village And Post- Birra, Tahsil- Champa, P/s- Birra, District Janjgir-Champa, Chhattisgarh

**26** - Santosh Kumar Yadav S/o Late Malikram Yadav Aged About 49 Years Village And Post- Kamrid, Thana And Tahsil- Sargaon, District Janjgir-Champa, Chhattisgarh

**27** - Santosh Yadav S/o Shri Balwant Yadav Aged About 47 Years Village And Post- Janjgir, Ward No. -8, Shivmandir Nagar Kinare, District Janjgir-Champa, Chhattisgarh

**28** - Motin Bai Omkar Omkar Prakash Kurre Aged About 38 Years Village And Post- Janjgir, Ward No.- 25, Santinagar Janjgir, District Janjgir-Champa, Chhattisgarh

**29** - Ramsilla Sadilya W/o Chhotelal Sadilya Aged About 40 Years Village And Post- Janjgir, Ward No.-25, Santinagar Janjgir, District Janjgir-Champa, Chhattisgarh

**30** - Narottam Prasad Gadewal S/o Nambhuram Gadewal Aged About 46 Years Village And Post- Naila, District Janjgir-Champa, Chhattisgarh.

**31** - Virsingh Kanvar S/o Late Shri Sachin Ram Aged About 53 Years Village- Limdeh, Post- Tuman, Tahsil- Barpali, District Korba, Chhattisgarh

**32** - Chhotelal Suryavanshi S/o Chanda Ram Suryavanshi Aged About 44 Years Village And Post- Janjgir, Ward No.-19, District Janjgir-Champa, Chhattisgarh

**33** - Fakanbai W/o Late Shri Terashlal Aged About 38 Years Village And Post- Choriya, Tahsil Saragaon, District Janjgir-Champa, Chhattisgarh

**34** - Urmila Bai Sidar W/o Late Shri Bhopal Singh Aged About 55 Years Village And Post- Afrid, Tahsil- Sargaon, District Janjgir-Champa, Chhattisgarh

**35** - Hemkunvar Sidar W/o Shri Budhvar Singh Aged About 36 Years Village- Turra, Post- Sendri, Tahsil And District- Janjgir-Champa (C.G.)

**36** - Puran Lal Khunte S/o Late Shri Kusuram Aged About 45 Years Village- Devrbhan, Post- Devri, Tahsil And District- Sakti (C.G.)

**37** - Vishnu Kumar Yadav S/o Shri Santram Yadav Aged About 42 Years Village And Post- Bansalpur, Tahsil And District- Janjgir-Champa (C.G.)

**38** - Shiv Kumar Patel S/o Shri Lakhesawr Prasadm Aged About 35 Years Village And Post- Basantpur, Tahsil And District- Janjgir-Champa (C.G.)

**39** - Manish Kumar Dheever S/o Shri Dhaniram Dheever Aged About 35 Years Village And Post- Amoda (Janjgir), District Janjgir-Champa, Chhattisgarh

**40** - Bharatlal Sahu S/o Tarachand Sahu Aged About 49 Years Village- Udyband, Post- Pishoda, Tahsil And District- Janjgir-Champa (C.G.).

**41** - Guruvachan Kavar S/o Late Shri Garun Singh Kavar Aged About 47 Years Village- Navapara, Post- Singhnsra, Tahsil And District- Sakti (C.G.)

- 42** - Chakrdhar Ratre S/o Late Shri Anantram Aged About 43 Years Village And Post- Adbhar, Tahsil- Malkharoda, District- Sakti (C.G.)
- 43** - Nirmala Sahu C/o Shri Parmeswar Sahu Aged About 41 Years Village- Udayband, Post- Pishoda, Tahsil And District- Janjgir-Champa (C.G.)
- 44** - Laxmi Prasad Yadav S/o Shri K.P. Yadav Aged About 42 Years Village And Post- Basantpur, Tahsil And District- Janjgir-Champa (C.G.)
- 45** - Anandram Sidar S/o Nanhuram Aged About 55 Years Village And Post- Arjun, Tahsil And District- Sakti (C.G.)
- 46** - Chamru Singh Raj S/o Kariya Ram Aged About 55 Years Village- Bhaludera, Post- Poratha, Tahsil And District- Sakti (C.G.)
- 47** - Kishor Kumar Gabel S/o Purn Lal Aged About 35 Years Village And Post- Jajang, Tahsil And District- Sakti (C.G.)
- 48** - Sammelal S/o Sumutram Aged About 53 Years Village- Chotekheli, Post- Badekholi, (Malkharoda), District- Sakti (C.G.)
- 49** - Uma Shankar Jatvar S/o Ramprasad Aged About 42 Years Village And Post- Vasin, (Malkharoda), District- Sakti (C.G.)
- 50** - Jagarnath S/o Pursay Aged About 42 Years Village And Post- Chapora, (Malkharoda), District- Sakti (C.G.)
- 51** - Indu Bai C/o Naresh Singh Aged About 43 Years Village And Post- Amlideh, (Malkharoda), District- Sakti (C.G.)
- 52** - Kaushilya Kurre C/o Pitambar Kuree Aged About 48 Years Village- Ranpota, Post Office- Margatti, (Malkharoda), District- Sakti (C.G.)
- 53** - Uttar Bai C/o Girdhari Lal Aged About 43 Years Village And Post- Badeshipat, (Malkharoda), District- Sakti (C.G.)
- 54** - Budhvara Bai C/o Shyam Bandu Aged About 46 Years Village And Post- Sakrali (Dabhara), District- Sakti (C.G.)
- 55** - Prahlad Yadav S/o Santuram Yadav Aged About 48 Years Post- Jhalronda, (Jaijaipur), District- Sakti (C.G.)
- 56** - Omkar Prasad Yadav S/o B.L. Yadav Aged About 42 Years Village And Post- Janjgir, (Navagad), District- Janjgir-Champa (C.G.)
- 57** - Santosh Kumar Ajgalle S/o Babulal Ajgalle Aged About 38 Years Village And Post- Malkharoda, District- Sakti (C.G.)

**58 - Babulal Chowhan S/o Bhodal Aged About 48 Years Village And Post-Salni (Jaijaipur), District- Sakti (C.G.)**

**59 - Pursottam Yadav S/o Madanmohan Yadav Aged About 46 Years Village-Tatakhdtal, Post- Adbhar, (Malkharoda), District- Sakti (C.G.)**  
**... Petitioner(s)**

**versus**

**1 - State Of Chhattisgarh Through The Secretary, Department Of Scheduled Caste And Scheduled Tribe Welfare, Mahanadi Bhawan, Mantralaya, New Raipur Tahsil And District Raipur (C.G.)**

**2 - The Commissioner Department Of Scheduled Caste And Scheduled Tribe Welfare, Chhattisgarh, Raipur (C.G.)**

**3 - The Collector District Janjgir-Champa (C.G.)**

**4 - The Assistant Commissioner Tribal Development Department, Janjgir District Janjgir Champa (C.G.)**

**... Respondent(s)**

(Cause Title is taken from Case Information System)

For Review Petitioners	:	Ms. Manisha Yadav, Advocate on behalf of Mr. H.S. Ahluwalia, Advocate
For State/ Respondents	:	Mr. Vinay Pandey, Dy. A.G.

**Hon'ble Shri Justice Rakesh Mohan Pandey**  
**Order on Board**

**31.01.2025**

1. The review petitioners have preferred this review petition praying for review/modification of the order passed by this Court in WPS No. 6081 of 2023 dated 19.11.2024.
2. Learned counsel for the petitioners submits that the petitioners preferred WPS No. 6069 of 2023 along with other connected matters and they were disposed of vide common order dated 19.11.2024. She further submits that the writ petition was filed assailing the order dated 13.06.2023 whereby the State Government had directed the Commissioner, Department of Scheduled Tribes and Scheduled Castes Development to immediately cancel the order thereby granting the revised regular pay-scale to Class-IV employees working under the

work-charged and contingency paid fund and also to cancel the appointment order issued in their favor. She contends that the co-ordinate Bench of this Court also while deciding a similar issue in the matter of ***Maheshwar Dhruv Versus State of Chhattisgarh & Ors.*** vide order dated 29.09.2021 had also set-aside the impugned order. She further contends that this Court while hearing WPS No. 6069 of 2023 earlier had stayed the effect and operation of the order dated 13.06.2023 but when the matter was heard finally, due to inadvertence, the impugned order dated 13.06.2023 has not been set aside which would stand against the review petitioners and the order passed by this Court dated 19.11.2024 would serve no fruitful purpose in filing the representations before the respondent authorities. She argues that if their appointments and the benefit of revised pay scales granted to them are cancelled, it would affect their careers and livelihoods as they are low-salaried employees entirely dependent on their income. It is submitted that there has been no misrepresentation or foul play on the part of the petitioners and without affording the opportunity of hearing the order dated 13.06.2023 has been passed. At this stage, she prays to modify the order dated 19.11.2024 up to the extent that the impugned order dated 13.06.2023 be set aside and the respondent authorities be directed to issue a fresh order after providing due opportunity of hearing to the petitioners.

3. On the other hand, Mr. Vinay Pandey, learned Deputy Advocate General appearing for the State opposes the submissions made by learned counsel for petitioners.
4. I have heard learned counsel for the parties and perused the order impugned.

5. The Hon'ble Supreme Court in the matter of **Rajnish Kumar Mishra & Others v. State of Uttar Pradesh and Others, (2019) 17 SCC 648** has held that even before cancellation of regularization, the opportunity of hearing is necessary. Paragraph 17 of the judgment reads as under:-

*“17. As such, apart from the Circular issued by the Registrar General of the High Court, dated 05.11.2009, the appellants' cases were also required to be taken into consideration in view of the exception carved out in the case of State of Karnataka v. Umadevi, (2006) 4 SCC 1. We find that the Committee under the Chairmanship of the Additional District Judge had rightly submitted its report dated 12.07.2012 and the then District Judge had rightly passed the order of regularization on 09.11.2012 granting regularization from 01.06.2012. We find that while considering the representation of some of the employees for promotion, the successor in the office of the District Judge could not have annulled the order of the regularization of the appellants which was done after following the proper procedure. The least that was required to be done was to follow the principles of natural justice by giving an opportunity of being heard to the appellants. We find that the three orders passed by the District Judge dated 16.08.2014 also suffer from violation of the principles of natural justice.”*

6. Reverting to the facts of the case in light of the principles laid down by the Supreme Court in the matter of **Rajnish Kumar (supra)**, it is quite

apparent that the petitioners were appointed to the post of Class-IV (daily rated employees) vide orders dated 17.06.2015, 30.11.2015 and 30.07.2016, their services were regularized, later on, the order dated 13.06.2023 was passed without affording a due opportunity of hearing to the petitioners, which is in violation of the principle of natural justice but due to inadvertence, the same was not mentioned in the order dated 19.11.2024.

7. Upon a perusal of the order dated 19.11.2024, paras 5 and 6 shall be replaced by the following:-

**PARA 5:**

“ Taking into consideration the fact that the order impugned was passed by the respondent authorities without affording an opportunity of hearing to the petitioners, the order dated 13.06.2023 is hereby set-aside. Accordingly, the instant writ petition stands allowed. However, the respondent authorities shall be at liberty to issue fresh order(s) only after affording a due opportunity of hearing to the petitioners/affected persons. ”

8. Accordingly, the instant review petition is **allowed** and the direction issued in the impugned order dated 19.11.2024 passed in WPS No. 6081 of 2023 is modified.
9. The aforementioned modifications shall be a part of the original order and paras 5 and 6 shall stand replaced accordingly.

Sd/-  
(Rakesh Mohan Pandey)  
Judge