



2026:CGHC:10369

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 2095 of 2026

- Manoj Khare S/o Shri Shambhu Prasad Khare Aged About 46 Years Occupation Service, Posted As Lab Attendant, Institute Of Hotel Management Catering Technology And Applied Nutrition, Sector 40, Uparwara, Atal Nagar, Nawa Raipur, District Raipur (C.G.)

... Petitioner

versus

- State Of Chhattisgarh Through Secretary, Department Of Tourism Mahanadi Bhawan Mantralaya, Nawa Raipur, Atal Nagar, District- Raipur (C.G.)
- Under Secretary Department Of Tourism Government Of Chhattisgarh, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur (C.G.)
- Institute Of Hotel Management Catering Technology And Applied Nutrition Through Its Principal Uparwara, Atal Nagar, Nawa Raipur District- Raipur (C.G.)

... Respondents

For Petitioners	: Mr. Rajeev Shrivastava, Sr. Advocate with Ms. Anu Mishra, Advocate
For Respondent-State	: Ms. Shailja Shukla, Govt. Advocate
For Respondent No. 3	: Mr. Suyashdhar Badgaiya, Advocate

Hon'ble Shri Parth Prateem Sahu, Judge

ORDER ON BOARD

27/02/2026

- Petitioner has filed this writ petition seeking following reliefs.

“10.1 That, this Hon'ble Court may kindly be pleased to call for the entire records of the case pertaining to the service of the petitioner.

10.2 That, this Hon'ble Court may kindly be pleased to set aside the notice dated 28/01/2026, bearing No. 72/525-estt./SIHM/2026 passed by respondent no.3.



10.3 That, this Hon'ble Court may kindly be pleased to direct the respondents to release the salary amount during the time of termination as per the order dated 18/11/2025 of this Hon'ble High Court in WPS No. 6213 of 2025.

10.4 Any other relief(s)/ order(s)/ direction(s) in favor of petitioner, which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case, in the interest of justice."

2. Learned counsel for petitioner submits that petitioner was initially appointed on the post of Lab Assistant after following due selection process on 12.09.2011 on probation for a period of 2 years. Services of petitioner was confirmed vide order dated 08.11.2023. Petitioner since the date of initial appointment was performing his duties to the satisfaction of the authorities, however, suddenly show-cause notice was issued to him on 01.04.2019 for terminating of service of petitioner on the ground as mentioned therein that at the time of appointment, reservation roster was not followed. Petitioner submitted reply to the show-cause notice and also challenged the said notice by way of filing writ petition bearing WPS No. 3375/2019. When the writ petition came up for hearing, the court on considering the grounds raised therein passed interim order in favour of petitioner staying effect and operation of the show-cause notice and thereafter writ petition was disposed of vide order dated 09.04.2025 directing respondents to consider reply of petitioner and pass speaking order after affording opportunity of hearing to petitioner. Pursuant to the order passed by the court, report was supplied and thereafter petitioner submitted reply specifically pleading that petitioner as of now has completed about 13 years of continuous service and requested respondents therein to consider the claim of petitioner sympathetically. Respondents thereafter have passed an order on 15.05.2025 terminating the services of petitioner on the ground that petitioner does not possess request experience as required for appointment on the said post. Termination of



service was on new ground not forming part of show-cause notice, which was challenged by petitioner by filing writ petition bearing WPS No. 6213/2025, which came up for consideration on 18.11.2025 and the order passed against petitioner was quashed. It is contention of learned counsel for petitioner that now the respondents have again issued show-cause notice again raising same ground that petitioner does not possess requisite experience as required for appointment on the said post. He contended that in the enquiry report it is mentioned that after appointment petitioner has completed more than 10 years of service and therefore it can be considered that petitioner is having experience, as such show-cause notice is bad in law.

3. Learned counsel for Respondent No. 3 would submit that the last writ petition, filed by petitioner bearing WPS No. 6213/2025 was allowed on the ground that order dated 15.05.2025 terminating the services of petitioner was passed without justifiable reasons and without following due process of law. While setting aside the order of termination, court has remanded back the case to the respondents-authorities to take fresh recourse and thereby the show-cause notice was issued. It is contention of learned counsel that petitioner can submit reply to the show-cause notice raising all the defense as pleaded in the writ petition which will be considered in accordance with law.
4. At this stage, learned counsel for petitioner submits that if this Court is not admitting this writ petition then liberty may be granted to petitioner to file reply taking all grounds as raised in this writ petition and direction be issued to respondents to consider all the defense of petitioner to be submitted while taking decision on the show-cause notice.
5. I have heard learned counsel for the parties.
6. Petitioner has filed this writ petition challenging the notice dated 28.01.2026 and further prayed for salary amount during period of termination.
7. Perusal of documents enclosed along with writ petition would show that Coordinate Bench of this Court in WPS No. 6213/2025 has set aside the



order of termination of petitioner dated 15.05.2025 and further observed that petitioner shall be treated to have been in continuous service, however, there is no specific order or the direction with regard to back wages.

8. In the aforementioned facts of the case, the relief as prayed for by the petitioner of payment of salary in the subsequent petition cannot be granted. The relief seeking setting aside of the notice dated 28.01.2026 is also not sustainable in view of the order passed in WPS No. 6213/2025, whereby the Court has set aside the order observing that the termination of service of petitioner was without justifiable reasons and following due process. Learned counsel representing the respondents therein prayed for liberty to take fresh recourse which was considered and direction was issued to remanding back the case to the respondents-authorities reserving liberty with the respondents to take fresh recourse and therefore also the first relief as prayed for cannot be granted.
9. In the aforementioned facts of the case, considering the alternate prayer made by learned counsel for petitioner, I find it appropriate to dispose of this writ petition permitting the petitioner to submit detailed reply to the show-cause notice raising all the grounds as raised in this writ petition within a further period of 02 weeks and in the event petitioner submits reply to the notice, the respondents-authorities shall consider all the defense which is to be taken by petitioner in his reply to the notice while taking decision on the notice in accordance with law taking note of the fact that petitioner since the date of appointment has completed considerable period of service of 14 years.
10. Accordingly, this petition is disposed of with aforesaid observations and directions.

Sd/-

(Parth Prateem Sahu)

JUDGE