

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

Writ Petition (S) No. 6889 of 2017

Smt. V. Prabha Rao **Versus** State of Chhattisgarh and others

Writ Petition (S) Nos. 4883, 5680, 5765, 6894, 6895, 6902, 6903, 6911, 6912, 6693, 7487, 6907, 7427, 5846, 5296, 5524, 7054, 5268, 5384, 5363, 5398, 5310, 5543, 5810, 5450, 7056, 7093, 4910, 5609, 6187, 6238, 6697 & 5156 of 2017 and Writ Petition (S) Nos. 407, 66, 54, 48 & 163 of 2018

17.05.2018	Shri Harsh Wardhan, Shri Jitendra Nath Nande, Shri Abhishek Pandey, Shri Manoj Paranjpe, Shir D. N. Prajapati, Shri Jitendra Pali, Shri Mateen Siddiqui, Shri Jitendra Shrivastava, Shri Vipin Tiwari, Shri Abhishek Deshmukh, Shri Raghvendra Verma and Ms. Hamida Siddiqui, counsel for the respective petitioners. Shri Shashank Thakur, G.A. for the State. Heard in part. During the course of hearing a development that has arisen pending the petitions forces this Court to keep further hearing in abeyance. The development is that the State's General Administration Department vide order dated 05.05.2018, has taken a policy decision to reconsider all those cases where an order of compulsory retirement has been issued on the basis of the circular of the State Government dated 25.04.2017. An appropriate Committee has been constituted at different level for the said reconsideration. Given the said subsequent development as a policy decision taken by the respondents, this Court is of the opinion that as of now let the cases of all the petitioners before this Court who have been issued with an order of compulsory retirement on the basis of the circular dated 25.04.2017 be reconsidered by the

Committee so constituted by the respondents. The petitioners, if they so want, may file a fresh detailed representation/objection before the Appointing Authority/Committee which the Committee shall also take into consideration while deciding their case. The petitioners who do not make a fresh representation but whose representations/objections are already pending consideration before the Department, the same would also be forwarded to the Committee which in turn shall be decided by the Committee.

The Committee while reconsidering the case of each of the petitioners would only look into the aspect as to whether the decision of the State Government taken in each of the petitioners' case placing them on compulsory retirement was in accordance with the guidelines and scheme framed by the State Government or not. Needless to mention that the Committee shall not reappraise fresh fact and evidence while considering the case of each of the petitioners and shall also not travel beyond the guidelines framed by the State Government as per the circular dated 25.04.2017 in the process of scrutiny. It is further required that the Committee shall reconsider the case of each of the petitioners within the time stipulated in the order dated 05.05.2018 i.e. the entire exercise should be concluded at any cost including the period necessary for the matter to be placed before the CM coordination within the maximum limit of 60 days.

At this juncture counsel appearing for the petitioners make a request that there are other petitioners also whose cases have not been listed today and who may also have the liberty of approaching the Appointing Authority/Committee of making suitable representation/objection and the same also should be scrutinized by the said Committee in the light of the observations made in the preceding paragraphs.

All those petitioners who wish to make a fresh representation/objection may file the same within a period of 10 days from today to the Appointing Authority/Committee.

Immediately on the scrutiny part being over, it is incumbent upon the Committee to intimate the petitioners in respect of the decision taken. Copy of the same also be marked to the Office of the Advocate General so that the same may be brought on record.

Let all these petitions now be listed on 31st of July, 2018.

**Sd/-
(P. Sam Koshy)
JUDGE**