



CGHC010215312026



2026:CGHC:28087-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WA No. 562 of 2026

Director General Of Chhattisgarh Council Of Science And Technology
Vigyan Bhawan, Vidhan Sabha Road Daldal Seoni Raipur (C.G.) PIN –
492 001

... Appellant

versus

1 - Sunil Yadu S/o Shri Shankarlal Yadu Aged About 30 Years Working
As Peon Chhattisgarh Council Of Science Technology Vigyan Bhawan,
Vidhan Sabha Road Daldal Seoni, Raipur R/o Near Khallari Temple,
Mahadev Ghat Road, Police Station Sunder Nagar, Raipur District
Raipur (C.G.)

2 - State Of Chhattisgarh Through The Secretary Department Of Higher
Education, Technical Education, Science And Technology Mahanadi
Bhawan Mantralaya, Atal Nagar Naya Raipur, District Raipur (C.G.)

... Respondents

For Appellant	:	Dr.Saurabh Kumar Pande, Advocate
For Respondent	:	Mr.Sudeep Johri and Mr.Ravi Kumar Bhagat,
No.1		Advocates
For Respondent	:	Mr.P.K.Bhaduri, Deputy Advocate General
No.2		

Hon'ble Shri Ramesh Sinha, Chief Justice

Hon'ble Shri Ravindra Kumar Agrawal, Judge

Judgment on Board

Per Ramesh Sinha, Chief Justice

08.07.2026

1. Heard Dr.Saurabh Kumar Pande, learned counsel for the appellant. Also heard Mr.Sudeep Johri and Mr.Ravi Kumar Bhagat, learned counsel appearing for respondent No.1 and Mr.P.K.Bhaduri, learned Deputy Advocate General appearing for respondent No.2/State.
2. The appellant has filed this writ appeal against the order dated 15.04.2026 passed by the learned Single Judge in WPS No.4897/2021 by which the learned Single Judge has allowed the writ petition filed by the writ petitioner / respondent No.1 herein.
3. Learned counsel appearing for the parties submit that the issue involved in this writ appeal has already been considered and decided by this Court vide judgment dated 02.07.2026 passed in **WA No. 536 of 2026 (Director General Of Chattisgarh Council Of Science And Technology v. Aryahind Yadav and another)**, wherein this Court held as under:-

“14. Upon consideration of the material on record and the submissions advanced, this Court finds no infirmity in the well-reasoned order passed by learned Single Judge warranting interference in the present writ appeals. Learned Single Judge has correctly appreciated the factual matrix and has rightly held that the writ petitioners had initially been engaged during the years 2011–2012 and were subsequently regularized in the year 2014 on the post of Peon in the

regular pay scale. It is further an admitted position that after such regularization, the writ petitioners continuously discharged their duties for a substantial period of time, thereby acquiring the status of regular employees in service jurisprudence.

15. Learned Single Judge has also rightly recorded a clear finding that the writ petitioners had completed the prescribed period of probation and that no order extending their probation period was ever placed on record by the respondents. In the absence of any such extension or adverse order during probation, the conclusion drawn that the writ petitioners attained the status of regular employees is fully justified. Consequently, the protection guaranteed under Article 311(2) of the Constitution of India was rightly held to be applicable, and learned Single Judge has correctly concluded that the respondents were bound to conduct a proper departmental enquiry before passing any order of termination having civil consequences.

16. Learned Single Judge has correctly applied the test that where an employee has a right to hold the post and is visited with civil consequences, termination without compliance of principles of natural justice and without proper enquiry cannot be sustained. The Court has rightly found that mere issuance of notices or seeking explanations cannot be equated with a full-fledged departmental enquiry as mandated under law.

17. The contention of the appellant regarding alleged illegality or irregularity in initial appointment/regularization has also been rightly rejected by learned Single Judge. It has been correctly held that any procedural irregularity, if at all, is

attributable to the employer and cannot be used to penalize employees who have served for years, particularly in the absence of any allegation of fraud or misrepresentation against them. Learned Single Judge has further correctly observed that long continuation in service pursuant to regularization cannot be lightly unsettled without following due process of law. As such, the reliance placed by learned counsel for the appellant is distinguishable to the facts of the present case.

18. The finding that the impugned termination was passed in violation of such directions and without any justifiable basis is based on proper appreciation of record and cannot be termed perverse or arbitrary. Learned Single Judge has further rightly held that the orders of termination dated 21.09.2020 and the appellate order dated 17.03.2021 suffer from violation of principles of natural justice. The record clearly indicates that no proper departmental enquiry was conducted, no definite charges were framed, and no effective opportunity of hearing was granted to the writ petitioners before visiting them with civil consequences. The conclusion of the learned Single Judge that the writ petitioners, having been regularized in service and having completed probation, were entitled to constitutional protection under Article 311(2) of the Constitution of India, is fully supported by law and facts.

19. In view of the foregoing, this Court is of the considered opinion that learned Single Judge has taken a correct, lawful, and balanced view of the matter. The findings recorded are neither perverse nor

contrary to record and do not suffer from any jurisdictional or legal error warranting interference in appellate jurisdiction.

20. Accordingly, the writ appeals are devoid of merit and are hereby **dismissed**. No cost(s).”

4. In view of above, the present writ appeal is also **dismissed** in terms of the judgment dated 02.07.2026 passed by this Court in **WA No. 536 of 2026**. No cost(s).

Sd/-

(Ravindra Kumar Agrawal)
Judge

Sd/-

(Ramesh Sinha)
Chief Justice