

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 1159 of 2014**

Ku. Phulkumari Chauhan, D/o Shri Hadu Chauhan, aged about 25 years, Occupation-Rojgar Sahayak, R/o. Village – Bore, Post-Devgaon, Police Station-Sariya, Block-Baramkela, Civil and Revenue District – Raigarh (CG)

---- Petitioner**Versus**

1. The State of Chhattisgarh, Through: the Secretary, Panchayat and Rural Development Department, Mahanadi Bhawan, Naya Raipur (CG)
2. The Collector, Raigarh/District Programme Coordinator, Civil and Revenue District-Raigarh (CG)
3. The Chief Executive Officer, Janpad Panchayat – Baramkela, Civil and Revenue District Raigarh (CG)

---- Respondents

For Petitioner	:	Mr.Roop Naik, Advocate
For Respondents No.1&2:	:	Mr.Varun Sharma, Panel Lawyer
For Respondent No.3	:	Mr.Rahul Tamaskar, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****23/11/2015**

1. The petitioner was appointed on the post of Rojgar Sahayak on 9.10.2006 and lastly it was extended from 1.3.2013 to 28.2.2014, but by order dated 31.1.2014 (Annexure P/1), the petitioner's service has been terminated.

2. Learned counsel for the petitioner would submit that the Chhattisgarh Civil Sewa (Samvida Niyukti) Niyam, 2012 (hereinafter referred to as 'the Rules of 2012') is applicable to him and by virtue of

rule 11 (5) of the Rules of 2012, either of both the parties may terminate the contract appointment during the period of contract appointment by giving one month's notice in advance or paying one month's salary in its place. He would further submit that such rule has not been complied with and services of the petitioner has been terminated without giving one month's notice or paying one month's salary in advance and thus, the impugned order deserves to be quashed as it has been held in the new advertisement that terminated employee is not eligible to be appointed.

3. Mr.Varun Sharma, learned counsel for respondents No.1 and 2 would oppose the writ petition.

4. Mr.Rahul Tamaskar, learned counsel appearing for the respondent No.3 would submit that termination of the petitioner is accordance with law.

5. It is not in dispute that the petitioner's services was terminated by an order dated 31.1.2014 (Annexure P/1) before completion of his tenure in February, 2014. It is also not in dispute that he was not served any notice before passing an order of termination and by the order impugned he has been terminated, which will disqualify him from employment and as such, the order impugned being violative of the principle of natural justice is hereby quashed. However, the petitioner will not be entitled for reinstatement or any other benefits as contract period has already came to an end on 28.2.2014.

6. With the aforesaid observation, the writ petition finally stands

disposed of. No order as to cost(s).

Sd/-
(Sanjay K. Agrawal)
JUDGE

B/-