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HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No.785 of 2015**

Divya Jyoti Swa-Sahayata Samuh, Kumhari Darri, Through Its Chairman Smt. Gayatri Devi, Age About 45 Years W/o Indrapal Gond. R/o Kumhari Darri, Police Station Pasan, Tahsil Podi - Uproda, District Korba Chhattisgarh Civil & Revenue District Korba Chhattisgarh

---- **Petitioner****Versus**

1. State Of Chhattisgarh Through Secretary Women And Child Development Department, Mahanadi Bhawan, Mantralaya, Raipur, Police Station Rakhi Tahsil & District Raipur, Civil & Revenue District Raipur Chhattisgarh
2. Collector Collectorate Office Korba Police Station Rampur, Tahsil & District Korba Chhattisgarh Civil & Revenue District Korba Chhattisgarh
3. Project Officer Integrated Child Development Scheme Pasan, Police Station Pasan, Tahsil Podi Uproda, District Korba Chhattisgarh Civil & Revenue District Korba Chhattisgarh
4. District Program Officer Women And Child Development Department Korba, Police Station Tahsil & District Korba Chhattisgarh Civil & Revenue District Korba Chhattisgarh
5. Indira Swa Sahayata Samuh Tanera Police Station Pasan, Tahsil Podi - Uproda, District Korba Chhattisgarh Civil & Revenue District Korba Chhattisgarh

---- **Respondent****And****WPC No.786 Of 2015**

Jai Maa Matin Das Swa-Sahayata Samuh, Semra Through Its Chairman Smt. Shanti Bai Tanwar, Age 50 Years, W/o Umend Singh Tanwar R/o Village Semra, Police Station Pasan Tahsil Podi Uproda, District Korba Chhattisgarh Civil & Revenue District Korba Chhattisgarh

---- **Petitioner****Vs**

1. State Of Chhattisgarh Through Secretary Women And Child Development Department, Mahanadi Bhawan, Mantralaya, Raipur, Police Station Rakhi Tahsil & District Raipur, Civil & Revenue District Raipur Chhattisgarh
2. Collector Collectorate Office Korba Police Station Rampur, Tahsil & District Korba Chhattisgarh Civil & Revenue District Korba Chhattisgarh
3. Project Officer Integrated Child Development Scheme Pasan, Police Station Pasan, Tahsil Podi Uproda, District Korba Chhattisgarh Civil & Revenue District Korba Chhattisgarh

Korba Chhattisgarh

4. District Program Officer Women And Child Development Department Korba, Police Station Tahsil & District Korba Chhattisgarh Civil & Revenue District Korba Chhattisgarh
5. Jai Matin Dai Swa Sahayata Samuh Lainga, Police Station Pasan, Tahsil Podi Uroda, District Korba Chhattisgarh Civil & Revenue District Korba Chhattisgarh

---- Respondent

And

WPC No. 796 Of 2015

Lata Mahila Swa-Sahayata Samuh Rajkamma, Panchayat Madanpur (Rajkamma), Through Its Chairman- Smt. Shilpi Sharma, Aged About 35 Years, W/o- Sunil Sharma, R/o- Rajkamma, Police Station & Tahsil - Pali, District - Korba (Chhattisgarh), Civil & Revenue District Korba (Chhattisgarh)

---- Petitioner

Vs

1. State Of Chhattisgarh Through Secretary- Women And Child Development Department, Mahanadi Bhawan, Mantralaya Raipur, Police Station - Rakhi, Tahsil & District Raipur, Civil & Revenue District Raipur (Chhattisgarh)
2. Collector, Collectorate Office Korba, Police Station - Rampur, Tahsil & District- Korba (Chhattisgarh), Civil & Revenue District Korba (Chhattisgarh)
3. Project Officer, Integrated Child Development Scheme Rajkamma, Police Station & Tahsil - Pali, District- Korba (Chhattisgarh), Civil & Revenue District Korba (Chhattisgarh)
4. District Programme Officer, Women And Child Development Department Korba, Police Station , Tahsil & District- Korba (Chhattisgarh), Civil & Revenue District Korba (Chhattisgarh)
5. Pragati Swa-Sahayata Samuh Rajkamma, R/o- Rajkamma, Police Station & Tahsil - Pali, District- Korba (Chhattisgarh), Civil & Revenue District Korba (Chhattisgarh)

--- Respondents

For Petitioners	:	Shri Ratnesh Kumar Agrawal, Advocate
For Respondent/State	:	Shri S. P. Kale, Dy.A.G.
For Respondent No.5	:	Shri Ravindra Sharma, Advocate

Order On Board

06/08/2015

These petitions are being disposed off by a common order as they all involve similar issue for consideration.

2. The petitioners in the W.P.(C)No.785 of 2015 are awarded contract of supply of ready to eat meal in various Aanganbadi Centres of Pipariya Sector, Project at Pasan.

The petitioners in the W.P.(C)No.786 of 2015 are awarded contract of supply of ready to eat meal in various Aanganbadi Centres of Karri Sector, Project at Pasan.

The petitioners in the W.P.(C)No.796 of 2015 are awarded contract of supply of ready to eat meal in various Aanganbadi Centres of Rajkamma Sector, Project at Pali.

3. While the aforesaid petitioners were continuing with the work of supply of ready to eat meal, the respondent-Collector in all the cases passed an order canceling the orders of the supply of ready to eat meal. The cancellation is based on enquiry made by the committee constituted by the Collector, in which, the respective petitioners were found to have committed various irregularities in the matter of supply of ready to eat meal. It is this action of the respondent-Collector, which is under challenge in all these petitions.

4. The impugned order passed in all the petitions contains similar recitals to the effect that upon enquiry, various irregularities were found and therefore, the agreement of supply of ready to eat meal has been cancelled with a further direction to make alternative arrangements.

5. The sole submission of learned counsel for the petitioner in all these petitions, is that before taking any such adverse action of cancellation on the basis of various alleged irregularities, the respective petitioner was entitled to at least one opportunity of hearing along with a copy of enquiry report, so that the petitioner could submit his own version. This action of the respondent-Collector is highly arbitrary and violative of principles of natural justice. The impugned order, is therefore, violative of Article 14 of the Constitution of India.

6. On the other hand, learned State counsel submits that there were number of complaints against the petitioners and the Collector directed a committee to be

constituted. The committee made enquiry and number of irregularities were found to have been committed by the respective petitioner in the matter of supply of ready to eat meal, therefore, in the larger interest of the beneficiaries, the Collector had to take decision to immediately cancel the agreement. He further submits that the petitioners were issued show cause notices, therefore, it is to be presumed that the notices were served. Next submission of learned counsel for the State is that in the order of the Collector, by which, work was awarded, it has been clearly mentioned that in case of any dispute, final authority would be the government and it would first decide the matter and without such decision of the State Government, no authority can approach the Court of law, therefore, for this reason, these writ petitions are not maintainable.

7. Objection with regard to maintainability of the petition is misconceived in law. Order passed by the Collector with a condition that the party cannot approach the Court of law, is itself, without jurisdiction and authority of law.

8. There is no material on record to show that the show cause notice was served on the petitioners before passing the impugned order. In the return, it has been only stated that show cause notice was issued and there is no material on record to show that the show cause notice was served and acknowledgement of the petitioners were obtained. Therefore, the respondents have failed to prove that before passing the impugned order, the respective petitioners were duly served with the notices.

9. In view of above, only on the ground of violation of principles of natural justice, impugned order passed in respective petitions cannot be sustained in law. Accordingly, the impugned order of cancellation of petitioners agreement for supply of ready to eat meal is set aside in all the cases.

It goes without saying that the petitioners in all these petitions will continue only for the period under the agreement, until it is further renewed.

However, the respondents would be at liberty to serve show cause notice along with a copy of enquiry report to the respective petitioners and then, after obtaining

reply of the petitioners, they may proceed to pass appropriate order in accordance with law.

10. Accordingly, the petitions are allowed.

Sd/-
Manindra Mohan Shrivastava
Judge

Tumane