



(99)

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition No.5382 OF 1999

1. Dhanurjay Nayak, son of Maharathi Nayak, aged about 30 years, working as Shiksha Karmi Gr-III, Govt. Primary School Lendhra, Tahsil Sarangarh, Distt. Raigarh.
2. Surendra Kumar Sahu, son of Laxman Prasad Sahu, aged about 29 years, working as Shiksha Karmi Gr-III, Govt. Primary School Sakra, Tahsil Sarangarh, Distt. Raigarh.
3. Motichand Sahis, son of Dhanki Sahis, aged about 32 years, working as Shiksha Karmi Gr-III, Govt. Primary School Bheekhampur, Tahsil Sarangarh, Distt. Raigarh.
4. Subhash Chandra Chouhan, son of Jeetram Chouhan, aged about 28 years, working as Shiksha Karmi GR-III, Govt. Primary School Bilaigarh(c), Tahsil Sarangarh, Distt. Raigarh.
5. Sulochan Sidar, son of Phagulal Sidar, aged about 25 years, working as Shiksha Karmi Gr-III, Govt. Primary School Tansir, Tahsil Sarangarh, Distt. Raigarh.

---Petitioners

Versus

1. Commissioner, Bilaspur Division, Bilaspur (MP).
2. Janpad Panchayat Baramkela, District Raigarh; through its Chief Executive Officer.



100

3. Jila Panchayat Raigarh, through its Chief Executive Officer.

----Respondents

For Petitioners	:	Ms. Deepali Pandey, Advocate
For Respondent No.1/ State	:	Mr. Adhiraj Surana, Dy. G.A.
For Respondents No. 2 & 3	:	None present through served.

Hon'ble Shri Justice Sanjay K. Agrawal
Order on Board

05/02/2016

1. Petitioners herein have challenged the legality, validity and correctness of the impugned order dated 30/11/1999, by which, the petitioners' services have been terminated. The petitioners were appointed on the post of Shiksha Karmi Grade-III by order dated 22/07/1998 after following due procedure of law.

2. Being aggrieved against that, Mr. Phakeer Mohan Patel challenged the selection of Shiksha Karmi and selection list dated 26/06/1998 in appeal before the Commissioner, Bilaspur Division, Bilaspur. The Commissioner, Bilaspur Division, Bilaspur by order dated 18/02/1999 set aside the selection and remanded the



(101)

matter to the Janpad Panchayat for consideration.

3. The Janpad Panchayat, Baramkela on the basis of order dated 18/02/1999 passed by the Commissioner, Bilaspur Division, Bilaspur terminated the services of the petitioners' by order dated 30/11/1999.

4. Feeling dissatisfied with the termination order, instant writ petition has been filed challenging the order dated 30/11/1999.

5. Learned counsel for the petitioners would submit that the petitioners are duly appointed Shiksha Karmi Grade-III and their services were terminated on the basis of order dated 18/02/1999 passed by the Commissioner, Bilaspur Division, Bilaspur, in which, petitioners were not impleaded as party respondents and they were not granted any opportunity of hearing to them and even the Chief Executive Officer, Janpad Panchayat did not afford any opportunity of hearing to them, as such, order of termination has been passed. Not only this, they are continuing in service on the basis of interim order of this Court dated 15/12/1999 and thereafter on 03/06/2005,



102

their services have been regularized and they have been promoted on the post of Shiksha Karmi Grade-II w.e.f. 14/07/2006 and again promoted on the post of Head Master by order dated 25/11/2010, as such the impugned order of termination deserves to be set aside.

6. Return has been filed on behalf of the Janpad Panchayat on 07/01/2000, in which, it has been stated that the petitioners' services were terminated on the basis of order of the Commissioner, Bilaspur Division, Bilaspur dated 18/02/1999 and petitioners were not given any notice before termination. However, in additional return, it has been pleaded that one month salary has been given in lieu of notice. The fact remains that petitioners' services were terminated on the basis of order passed by the Commissioner, Bilaspur Division, Bilaspur in appeal preferred by Phakeer Mohan Patel on 28/02/1999, in which, admittedly, the present petitioners' were not impleaded as party respondents and on the basis of order of the Commissioner, Bilaspur Division Bilaspur, petitioners' services have been terminated straightway without affording opportunity of hearing to them.



103

Respondents No. 2 & 3 have clearly stated that no notice was served to the petitioners before terminating their services, as such, order of termination deserves to be set aside on this ground only. It is also pertinent to note that during pendency of this writ petition, petitioners have been regularized by order dated 03/06/2005 and thereafter, they have been promoted on the post of Shiksha Karmi Grade-II w.e.f. 14/07/2006 and again except petitioner No.3, they were promoted on the post of Head Master by order dated 25/11/2010.

7. In view of the above-stated position, the order of termination dated 30/11/1999 is hereby quashed, the petitioners are already in service by interim order passed by this Court on 15/12/1999.

8. Accordingly, the writ petition is allowed with no cost(s).

Sd/-
Sanjay K. Agrawal
Judge