

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5388 of 2011

- Kumari Chitra Rekha Sahu, D/o Radhelal Sahu, aged about 24 years, holding post of Gram Rojgar Sahayak in the Gram Panchayat Taulidih (L) in the Tahsil and Janpad Panchayat Bilaigarh, District Raipur, Chhattisgarh

---- Petitioner

Versus

1. The Chief Executive Officer, Bilaigarh, Janpad Panchayat in the Tahsil Bilaigarh, District Raipur, Chhattisgarh
2. The Janpad Panchayat Bilaigarh Through The Chief Executive Officer Tah. Bilaigarh Distt. Raipur (C.G.)
3. The President Janpad Panchayat Bilaigarh Tah. Bilaigarh Distt. Raipur (CG)
4. The Chief Executive Officer, Raipur, District Panchayat, Raipur, Chhattisgarh
5. The District Panchayat Raipur, through the Chief Executive Officer, District Raipur, Chhattisgarh
6. The State of Chhattisgarh, through the Secretary, Department of Panchayat, DKS Bhawan, Raipur, Chhattisgarh
7. The Collector, Raipur, District Raipur, Chhattisgarh
8. The Gram Panchayat Taulidih Through The Sarpanch Nalini Bai Of Village Taulidih Tah. Bilaigarh Distt. Raipur (C.G.)
9. The President Distt. Panchayat Raipur (C.G.)
10. The Secretary, Gram Panchayat , Tolidih (Ravishankar Dadsena) Tahsil Bilaigarh District Raipur, Chhattisgarh

---- Respondent

For Petitioners
For Respondent/State

Mr. J.R. Verma, Advocate
Mr. Shashank Thakur, Government Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

18/1/2016

Heard finally with the consent of learned counsel for the parties.

(2) The petitioner is aggrieved by the order – Annexure P/1 passed by the CEO, Zila Panchayat, Raipur, whereby, she has been removed from the post of Rojgar Sahayika of Gram Panchayat, Taulidih (L).

(3) The petitioner was appointed as Rojgar Sahayika on contract basis for a period of one year from 28.02.2009. The appointment was continued for one year at a time for the succeeding years and at the relevant time, it was extended till 31.03.2012.

(4) The petitioner was found to commit forged entries in the muster roll by inserting names of two labourers namely one Pushottam Lal Kurre and Madanlal Kurre for the period from 22.02.2011 to 26.02.2011 even though in the previous week i.e. from 15.02.2011 to 19.02.2011, the said labourers had not worked on the relevant project. The petitioner was thus found guilty of making wrong entries for making payment of wages to the said persons.

(5) Mr. Verma, learned counsel for the petitioner, would submit that the order has been passed without giving opportunity of hearing to the parties and moreover, the Gram Panchayat had resolved to include the names of the above stated two labourers in the muster roll, therefore, the petitioner was not at fault.

(6) Per contra, Mr. Thakur, learned counsel for the State, would submit that the petitioner was not holding the office of Rojgar Sahayak as regular incumbent, therefore, she has no right to hold the post. He

would read out the terms of the appointment to submit that the petitioner had no right to continue after the term of contract appointment was over.

(7) Considering the entire facts' situation of the case, particularly the fact that the petitioner's contract appointment was valid and operative only till 31.03.2012, the petitioner had no right to hold the post after the said date. Even if there is some violation of principles of natural justice, the petitioner being not entitled to continue in service after 31.03.2012, no mandamus can be issued directing her continuance in the service.

(8) At this stage, Mr. Verma, learned counsel for the petitioner, would submit that fresh appointment of Rojgar Sahayika has already been advertised and the petitioner has also applied for the post, therefore, the process of appointment may be stayed or the petitioner may be allowed to participate. Since the petitioner had no right to continue as contract appointee after 31.03.2012, the fresh advertisement issued during pendency of the petition cannot be stayed. However, if the petitioner has applied on the said post pursuant to the fresh advertisement, the appointing authority would be at liberty to process the petitioner's application in accordance with law.

(9) With the aforesaid observations, the writ petition stands finally disposed of.

(10) Certified copy as per rules. Sd/-

Judge

(Prashant Kumar Mishra)