

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2379 of 2016

Smt. Parag Mishra W/o Shri Anil Kumar Yadav, Aged About 38 Years R/o Anas Niwas, Mopka, Near Bhatiya Garden City Bilaspur, District Bilaspur Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Thorough Secretary, Health Department, Mahanadi Bhawan, Raipur, Tah. & District Raipur Chhattisgarh
2. Chief Medical And Health Officer, Bilaspur Tah & District Bilaspur Chhattisgarh
3. Block Medical Officer, Block Bilha, Community Health Centre, Bilha, Tah. Bilha, District Bilaspur Chhattisgarh

---- Respondents

For Petitioner : Shri H.V. Sharma, Advocate
For Respondent-State : Shri Gary Mukhopadhyay, Dy. Govt. Advocate

S.B.:Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

27/06/2016

Heard on admission.

1. This petition is directed against order dated 23.11.2015 by which the contractual appointment of the petitioner has been brought to an end with salary for one month.
2. Learned counsel for the petitioner submits that it is a case of termination of the petitioner on the ground of misconduct, therefore, charge sheet was reacquired to be issued and affording proper opportunity of hearing

before terminating the services on the ground of misconduct.

3. In the entire petition, it has nowhere been averred that the period of contractual appointment has still not come to an end. It has though been averred that the contractual appointment was made initially on 25.5.2010 which was renewed on annual basis but there is no order on record.
4. The document placed on record show that on certain allegation, a show cause notice was issued and reply obtained and thereafter impugned order has been passed. It is a case of contract appointment and the petitioner was not appointed to the civil services of the State. In the order of appointment also, there is nothing to show that the provisions of Chhattisgarh Civil Services (Classification, Control & Appeal) Rules, 1966 (for short "*the Rules of 1966*") are applicable. Therefore, there is no requirement to issue detailed charge sheet as contemplated under Rule 14 of the Rules of 1966. The only requirement would be of giving proper opportunity of hearing. This has been done by issuing show cause notice.
5. In the considered opinion of this Court, the procedure adopted by the respondents does not appear to be arbitrary or violative of principles of natural justice keeping in view that the present is only a contractual appointment.
6. The petition has no merit. The same deserves to be dismissed and is accordingly dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge