

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 383 of 2017**

- Smt. Sushila Pandey W/o Shri Bharat Pandey Aged About 30 Years R/o Village- Podikala, Tahsil & Janpad Panchayat- Takhatpur, District- Bilaspur, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Panchayat And Rural Development Department, Mahanadi Bhawan, Mantralaya, New Raipur, District- Raipur, Chhattisgarh
2. The Collector, Bilaspur, District- Bilaspur, Chhattisgarh
3. The Chief Executive Officer, Zila Panchayat, Bilaspur, Chhattisgarh
4. The Chief Executive Officer, Janpad Panchayat, Takhatpur, District- Bilaspur, Chhattisgarh

---- Respondent

For Petitioner	Mr. S.K. Mishra, Advocate
For Respondent/State	Mr. SP Kale, Dy. AG
For Respondent No.4	None

Hon'ble Shri Justice Prashant Kumar Mishra
Order On Board

9/5/2017

1. Heard.
2. The petitioner would assail the impugned order of termination- Annexure P/2, whereby, his contract services on the post of *Rozgar Sahayak* has been terminated with immediate effect.
3. Admittedly, on some charges about commission of irregularities in construction of approach road of Village Sanwadabra, Janpad Panchayat Takhatpur, a complaint was made before the LOKPAL, MGNREGA, wherein, the petitioner has been

exonerated. Similarly, a criminal investigation was also conducted, wherein, few persons were sent for trial, but no charge sheet has been filed against the petitioner.

4. Bare perusal of the impugned order would indicate that on the basis of a complaint, an enquiry team was constituted, which found certain irregularities committed by the petitioner, however, no opportunity of hearing was afforded to the petitioner either in the course of enquiry or before passing of the impugned order.
5. The return filed by the concerned Janpad Panchayat would not state that the petitioner was noticed or allowed to participate in the enquiry instead respondent No.4 – the Chief Executive Officer, Janpad Panchayat, Takhatpur, District Bilaspur, has stated in para 5 of the return that the LOKPAL, MGNREGA has already given clean chit to the present petitioner, therefore, the Janpad Panchayat would have no objection in reinstating the petitioner.
6. Considering the entire facts and circumstances of the case, it appears, the impugned order is a result of some enquiry, wherein, the petitioner has not been noticed, therefore, the order being stigmatic in nature, it could not have been passed without issuing show cause notice or allowing the petitioner to participate in the enquiry.
7. For all the above-stated reasons, the writ petition deserves to be and is allowed. Accordingly, the impugned order of termination is set-aside.

Sd/-

Judge

(Prashant Kumar Mishra)