

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition No.7642 of 2006

Ku. Seema Tigga, D/o Shri Philip Tigga, aged about 22 years, R/o Vill. Majhgaon, Post Bhitgara, PS Bageecha, Distt. Jashpur (C.G.)
 ---- Petitioner

Versus

1. State of Chhattisgarh, Through Secretary, Woman and Child Welfare Department, Raipur (C.G.)
2. Project Officer, Akikrit Balvikash Seva Pariyojna, Bageecha, Distt. Jashpur (C.G.)
3. Chief Executive Officer, Janpad Panchayat, Bageecha, Distt. Jashpur (C.G.)
4. Smt. Manta Tigga, W/o Sudhir Tigga, aged about 29 years, R/o Vill. Majhgaon, P.S. Bageecha, Distt. Jashpur (C.G.)

---- Respondents

For Petitioner: Mrs. Ranjana Singh Tomar, Advocate.
 For State/Respondents No.1 and 2: -
 Mr. Shashank Thakur, Govt. Advocate and
 Mr. Arvind Dubey, Panel Lawyer.
 For Respondent No.3: Mr. A.N. Bhakta, Advocate.
 For Respondent No.4: None present, though served.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

19/07/2017

1. The petitioner was appointed as Swa Sahayika in Aanganbadi Distribution Centre, Majhgaon which she joined and was working and thereafter, she was upgraded on the post of Aanganbadi Karyakarta by order dated 27-3-2006. Respondent No.4 herein made a complaint to the Hon'ble Minister of Scheduled Caste and Scheduled Tribe Welfare, Government of Chhattisgarh on 4-10-2006 which was forwarded to the Project Officer, Integrated Child

Development Scheme and the said Project Officer by order dated 8-10-2006 appointed respondent No.4 on the said post and terminated the services of the petitioner by order dated 4-11-2006 stating that on the instruction of the Hon'ble Minister, her appointment is set aside.

2. Learned counsel for the petitioner submits that the petitioner has neither been noticed nor she has been allowed to make any representation and on the basis of complaint of respondent No.4, her services have been terminated.
3. On the other hand, learned State counsel and learned counsel for respondent No.3 Janpad Panchayat would support the impugned order.
4. No one has appeared on behalf of respondent No.4, though served.
5. It is not in dispute that the petitioner was working as Swa Sahayika in Aanganbadi Distribution Centre, Majhgaon and thereafter as Aanganbadi Karyakarta. On the complaint of respondent No.4, without making any enquiry and without hearing the petitioner, the services of the petitioner have been reverted to the post of Swa Sahayika. If any complaint was made against the petitioner, respondents No.2 and 3 could have noticed her and after hearing her, order was required to be passed. Since the petitioner was not noticed and heard before reverting her on the post of Swa Sahayika and she has been reverted on lower post, the impugned order dated 4-11-2006 is hereby set aside. Consequently, she will be entitled to continue on the post of Aanganbadi Karyakarta.

6. The writ petition is allowed to the extent indicated herein-above.

No order as to costs.

Sd/-
(Sanjay K. Agrawal)
Judge

Soma