

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (S) No.5609 of 2016

Smt. Lata Toppo, W/o Shri D.R. Khute, aged about 36 years, Occupation Service (Posted as Block Programme Manager at National Rural Health Mission, Block Shankargarh, District Balrampur-Ramanujganj), R/o Gangapur Khurd, Ring Road, Namnakala, Near New Bus Stand Ambikapur, Post & Tehsil Ambikapur, P.S. Gandhi Nagar, Revenue & Civil District Surguja (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, through Secretary, Public Health and Family Welfare Department, Mahanadi Bhawan, Naya Raipur, Revenue & Civil District Raipur (C.G.)
2. Directorate, Health Services, Indrawati Bhawan, Raipur, Revenue & Civil District Raipur (C.G.)
3. Managing Director, National Health Mission, Naya Raipur, Revenue & Civil District Raipur (C.G.)
4. Deputy Director, National Rural Health Mission, Raipur, Revenue & Civil District Raipur (C.G.)
5. Collector Balrampur-Ramanujganj, District Balrampur-Ramanujganj (C.G.)
6. Chief Medical and Health Officer Surguja (Now Balrampur-Ramanujganj), Revenue & Civil District Surguja (C.G.)
7. Block Medical Officer Shankargarh, District Balrampur-Ramanujganj (C.G.)
8. District Programme Manager, National Rural Health Mission Balrampur-Ramanujganj, District Balrampur-Ramanujganj (C.G.)

---- Respondents

For Petitioner: Mr. Surfaraj Khan, Advocate.

For State/Respondents No.1, 2, 5, 6 and 7: -

Mr. Dhiraj Kumar Wankhede, Govt. Adv.

For Respondents No.3, 4 and 8: -

Mr C. Jayant K. Rao, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

10/02/2017

1. This writ petition has been filed by the petitioner challenging the order passed by the Collector, Balrampur-Ramanujganj, dated 8-9-2016 by which services of the petitioner, who was working on the post of Block Programme Manager at National Rural Health Mission, Block Shankargarh, have been terminated by the Collector finding her guilty of misconduct and financial irregularities.
2. Learned counsel for the petitioner would submit that the writ petition deserves to be allowed on the solitary ground that the Collector is neither appointing authority nor disciplinary authority of the petitioner and therefore he has no authority and jurisdiction to pass the order of dismissal from service. He would further submit that the petitioner was appointed by the Deputy Director, National Rural Health Mission, Raipur and the power is vested with the Deputy Director, National Rural Health Mission.
3. Learned counsel for respondents No.3, 4 and 8 would also submit that the disciplinary authority / appointing authority of the petitioner is respondent No.4 and as such, the Collector has no jurisdiction to pass the impugned order of dismissal from service.
4. Since it is admitted position on record that the Collector,

Balrampur-Ramanujganj has no jurisdiction to terminate the services of the petitioner, the order of the Collector dated 8-9-2016 is quashed. However, it is open to respondents No.3 and 4 to proceed in accordance with law, as per the applicable rules, regulations and policy of respondents No.3 and 4.

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

No order as to costs.

Sd/-
(Sanjay K. Agrawal)
Judge

Soma