

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2179 of 2018

Lalchand Prasad Yadav S/o Shri Aklu Yadav, Aged About 25 Years R/o Village Kalikapur, Tahsil Ramanujganj, District Balrampur Ramanujganj, Chhattisgarh, District : Balrampur, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Panchayat And Gramin Vikas Vibhag, Mahanadi Bhawan, Mantralaya, Capital Complex, Naya Raipur, District Raipur, Chhattisgarh, District : Raipur, Chhattisgarh
2. Collector, Balrampur Ramanujganj, District Balrampur Ramanujganj, Chhattisgarh, District : Balrampur, Chhattisgarh
3. Chief Executive Officer, Janpad Panchayat Ramchandrapur, District Balrampur Ramanujganj, Chhattisgarh, District : Balrampur, Chhattisgarh
4. Chief Executive Officer, Zilla Panchayat Balrampur Ramanujganj, District Balrampur Ramanujganj, Chhattisgarh, District : Balrampur, Chhattisgarh
5. District Program Officer, Balrampur, District Balrampur Ramanujganj, Chhattisgarh, District : Balrampur, Chhattisgarh

---- Respondents

For Petitioner	:	Shri A.K. Yadav, Advocate
For State/Res.No.1,2 & 5	:	Shri Satish Gupta, Govt. Advocate
For Res. No. 3	:	None appears.

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

Order On Board

11/05/2018

1. Despite service of notice by dasti mode, which is clear from the affidavit along with acknowledgement of notice by the office of Janpad Panchayat, Ramchandrapur, no representation has been made.
2. The petitioner was appointed as Rozgar Sahayak of Gram Panchayat Kalikapur,

Janpad Panchayat, Ramchandrapur, in the year 2011 on contract basis.

3. By the impugned order, the petitioner's contract appointment has been terminated on certain allegations of committing irregularities in the work and dereliction of duties.
4. It is argued that the contract appointment was continuing for a period of one year for each succeeding years, however, the same has been terminated without affording any opportunity of hearing or issuing show cause notice, therefore, the same is illegal and arbitrary being violation of the principles of natural justice enshrined under Article 14 of the Constitution of India.
5. On the other hand, learned counsel for the State, would submit that the petitioner was a contract appointee, therefore, if any complaint was made against him and he was found to have committed irregularities and dereliction in duties, the order of termination is fully justified.
6. Bare perusal of the impugned order of termination would manifest that the petitioner has been terminated with immediate effect. The order does not refer to any show cause notice or enquiry, wherein, the petitioner was allowed to participate. It is *per se* in violation of the principles of natural justice, which is clearly established from the language of the order of termination itself, therefore, for the reason that no order adverse to an individual be passed without following the principles of natural justice, as held by the Supreme Court in the matter of **State of Punjab & Ors. v. Senior Vocational Staff Masters Association & Ors.** (AIR 2017 SC 4072), the impugned order deserves to be and is hereby quashed at the admission stage itself. However, liberty is reserved in favour of the competent authority to take appropriate action after giving opportunity of hearing to the petitioner or to take decision about continuation of the petitioner's services at the end of completion of the period of contract appointment.
7. It is also made clear that the observations made in the preceding paragraphs of this order shall not be construed in favour of either parties and any action or proceeding initiated against the petitioner, after issuance of show cause notice against him, shall be decided strictly in accordance with its own merits

and law.

8. The writ petition is allowed to the extent indicated above.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Praveen