

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No.4104 of 2017

- Smt. Nageshwari Sahu W/o Shri Madhusudan Sahu, Aged About 36 Years R/o Village Belhadeeh, Police Station And Tahsil Sakti, District Janjgir Champa Chhattisgarh., Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Panchayat And Social Welfare Department, Mahanadi Bhawan, Mantralaya, New Raipur Chhattisgarh., Chhattisgarh
2. The Chief Executive Officer, Zila Panchayat, District Janjgir Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh
3. The Collector, District Janjgir Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh
4. The Chief Executive Officer, Janpad Panchayat, Sakti, District Janjgir Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Respondents

For Petitioner	:	Ms. Sharmila Singhai, Advocate
For Respondent/State	:	Shri S. Majid Ali, Dy.GA
For Respondent No.4	:	Shri SK Mishra, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order On Board

09-02-2018

Heard.

2. Learned counsel for the parties agreed that the issue involved in the present writ petition is squarely covered by the order passed by this Court in WPS No.2650 of 2017 and other connected matters on 09-11-2017.

3. For the foregoing, the impugned order/action of non-renewal of contract appointment is set-aside on the ground of violation of principles of natural justice, if misconduct is alleged, as also on the ground that one set of contract employees cannot be replaced by another set of contract employees, as held by the Supreme Court in the matter of *Hargurpratap Singh vs. State of Punjab and others, (2007)*

13 SCC 292.

4. The advertisement inviting fresh applications for filling up the post on which the petitioner is working, shall not be further processed till the respondents hear the petitioner and take any adverse action against them in accordance with law.
5. It will remain open for the Janpad Panchayat to serve notice to the petitioner and take appropriate action for her removal in terms of the State Government's Circular governing the employment of Rozgar Sahayak and take action in accordance with law after giving proper opportunity of hearing. In view of the fact that non-renewal of service has been found illegal, the petitioner shall be allowed to continue on contract service in accordance with the contract till the respondents take any adverse action against her by following the principles of natural justice.
6. The writ petition is allowed to the extent indicated above.

SD/-
(P. Sam Koshy)
J U D G E