

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WP No. 867 of 2004

Smt. Shashilata Dubey, W/o. Shri Hariom Dubey, Aged about 36 years, Occupation Terminated Angan Badi worker, Centre Bairdandi Podi (Bachra), R/o. Village Podi, Bachara, District Koriya, conventional head

---- Petitioner

Versus

1. State Of Chhattisgarh, Through Department of Dau Kalyan Singh Bhawan, Raipur, Chhattisgarh
2. The Dy. Director (Mahila Bal Vikas), Raipur, Chhattisgarh
3. District Collector, District Koriya, Chhattisgarh
4. District Mahila Bal Vikas Adhikari, District Koriya, Chhattisgarh
5. The Chief Executive Officer, Janpad Panchayat, Khadganwa, District Koriya, Chhattisgarh
6. Project Officer, Child Development Project, Khadgawan, District Koriya, Chhattisgarh

---Respondents

For Petitioner	:	Mr. Sushil Dubey, Advocate along with Mr. Aman Upadhyay, Advocate
For State	:	Ms. Sunita Jain, G.A.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

20/02/2019

1. The challenge in the present writ petition is to the impugned order Annexure P/1 dated 20.02.2004. Vide the said order, the Project Officer, Child Development Project, Khadgawan, district Koriya had terminated the services of the petitioner on the ground of misconduct and irregularity.
2. The contention of the petitioner in the present writ petition is that the said order of termination from service is bad in law for the reason that the same has been issued in total violation of the principles of

natural justice, in as much as no proper inquiry has been conducted, neither was an opportunity of hearing given to the petitioner, nor was any sufficient material available with the respondents for terminating the services.

3. It was also the contention of the petitioner that the impugned order has been passed by an officer subordinate to the appointing officer and for this reason also the impugned order is bad in law.
4. The respondents on the contrary to oppose the petition have filed a detailed reply along with the documents in support of their contentions. Along with the reply, the documents that they have submitted, it reveals that proper show cause notice was issued to the petitioner seeking the petitioner's explanation for the alleged misconduct and irregularity during the period that she was working as an Anganbadi worker.
5. Subsequently, the petitioner has been again issued with a show cause notice. The record shows that the first show cause notice was issued on 08.08.1999 and the subsequent show cause notice was issued on 17.11.2000. Along with the reply, the respondents have also submitted the inspection report in respect of the periodical inspection that was conducted at the Anganbadi Centre, Bairdand, where the petitioner was appointed as an Anganbadi worker. In the inspection report also, there has been large number of irregularities detected and moreover there is mass complaint made against the petitioner by the villagers in general holding that the petitioner was unauthorizedly absent on regular basis and most of the time, the Anganbadi Centre is found closed.

6. The respondents have also enclosed along with the reply, the inspection sheet as well as the statement recorded of the villagers during the course of inspection. Subsequently, the petitioner was again issued with a second show cause notice on 28.01.2004 to which also the petitioner did not submit any sought of reply.
7. What is further reflected from the order is that though the reply of the respondents had been filed as early as in July, 2004, though more than 15 years have lapsed pending the petition, the petitioner has till date not filed any rejoinder to the reply filed, in rebuttal to the contention of the respondents in their reply.
8. Perusal of the record would show that subsequent to the second show cause notice issued on 28.01.2004, there was no response from the petitioner, the matter was placed before the Women and Child Development Committee, Janpad Panchayat, Khadgawan on 04.02.2004. The said Committee on due consideration of the entire facts and circumstances of the case, particularly taking note of the allegations and the evidence, which were collected during the course of investigation, the Women and Child Development Committee, Janpad Panchayat, Khadgawan finally in its meeting dated 04.02.2004 passed a resolution for terminating the services of the petitioner and further ordered that appropriate orders in this regard be passed and based upon which the Project Officer has passed the impugned order Annexure P/1 on 20.02.2004.
9. Considering the reply, which has been filed by the respondents and the documents enclosed with the reply, this Court is of the opinion that it is not a case where the petitioner was not granted an

opportunity, rather it is a case where the petitioner was granted an opportunity of hearing before the proceedings were initiated during the course of proceedings as well as also after the inspections were completed, the show cause notice was again issued to the petitioner.

10. Perusal of the record would also reveal that the petitioner had not responded to any of the show cause notices issued by the Department, neither has the petitioner filed a rejoinder in rebuttal to the reply and the documents enclosed along with the reply stating the contents in the reply to be either incorrect or without any basis.
11. Given the aforesaid factual matrix of the case, this Court is of the opinion that the action on the part of the respondents does not seem to be one, which calls in for an interference by this Court invoking the extra ordinary jurisdiction of this Court under Article 226 of the Constitution of India.
12. The writ petition thus fails and is accordingly dismissed.

Sd/-
(P. Sam Koshy)
Judge