

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WA No. 138 of 2019**

Ashish Chandrakar S/o Shri Krishna Lal Chandrakar Aged About 34 Years
Occupation Terminated Block Co-Ordinator (Rural) Janpad Panchayat Masturi,
District- Bilaspur, R/o Deori Khurd, Police Station Torwa, Tahsil And District-
Bilaspur, Chhattisgarh.

---- Appellant**Versus**

1. State Of Chhattisgarh Through Secretary, Panchayat And Rural Development Department, Mantralaya, Mahanadi Bhawan New Raipur, Chhattisgarh.
2. The Chief Executive Officer Jila Panchayat Bilaspur, District- Bilaspur, Chhattisgarh.
3. The Chief Executive Officer Janpad Panchayat Masturi, District- Bilaspur, Chhattisgarh.

---- Respondents

For Appellant	:	Shri S.B. Pandey Advocate.
For Respondent/State	:	Smt. Astha Shukla, Panel Lawyer.

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice
Hon'ble Shri Parth Prateem Sahu, Judge

Judgment on Board**21/02/2019****Per Ajay Kumar Tripathi, Chief Justice**

1. Heard counsel for the parties.
2. Perused the order dated 29.01.2019 passed by the learned Single Judge who has dismissed the writ application of the Appellant refusing to interfere with the decision of the Respondents to terminate the contract after paying one month salary under the circumstances that certain elements of criminality emerged against the present Appellant in performance of his official duty, for which he also stands charge-sheeted by police.

3. Since the criminal case brought against the Appellant was in relation to performance of his official duty, then any decision taken by the Respondent authorities to terminate the contract in terms of the contract is not required to be examined under Article 226 of the Constitution of India. The writ application therefore has been rightly dismissed, against which, this appeal has been preferred.

4. The view so taken by the learned Single Judge is not erroneous. In fact, the remedy for the Appellant would be common law remedy, if he feels that there was any breach of terms and conditions of the contract.

5. The appeal has no merit. It is dismissed.

Sd/-

(Ajay Kumar Tripathi)
CHIEF JUSTICE

Sd/-

(Parth Prateem Sahu)
JUDGE