

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 5139 of 2019**

Smt. Sangita Kushwaha W/o Shri Trilokinath Kushwaha, Aged About 35 Years Working As Rojgar Sahayak At Gram Panchayat - Ruppur, Janpad Panchayat Wadrnagar And 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, Atal Nagar Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Collector Balrampur-Ramanujganj District- Balrampur-Ramanujganj, Chhattisgarh., District : Balrampur, Chhattisgarh
3. Chief Executive Officer Janpad Panchayat Wadrnagar, 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 Zilla Panchayat Balrampur, District- Balrampur-Ramanujganj, Chhattisgarh., District : Balrampur, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. A. K. Yadav, Advocate
For State/respondent No. 1, 2 & 5	:	Mr. Sameer Behar, PL

Hon'ble Shri Justice P. Sam Koshy**Order on Board****15/07/2019**

1. The petitioner through the present writ petition has challenged the impugned order Annexure P-1 dated 24.06.2019 whereby the respondent No. 3 has discontinued the services of the petitioner.
2. The facts of the case is that the petitioner was appointed as Rojgar Sahayak, Gram Panchayat, Ruppur, under the Janpad Panchayat, Wadrnagar, District Balrampur, Ramanujganj in the year 2007 on

contract basis. Having put in about two years of service, the respondent No. 3 has now passed the impugned order Annexure P-1 dated 24.06.2019 whereby the services of the petitioner has been terminated. The order of termination has been passed putting various allegations against the petitioner of misconduct as well as of dereliction of duty. According to the petitioner the services of the petitioner was getting renewed periodically and that there had been no complaint whatsoever against the petitioner nor was the petitioner ever issued with a show cause notice or warning letter issued in respect of misconduct, irregularity or dereliction of duty on the part of the petitioner. He further submits that termination of contractual appointment of the petitioner abruptly after casting allegations makes the impugned order stigmatic order and also in violation of basic principles of natural justice in as much as the petitioner has not been granted any opportunity of hearing or defence before the impugned order was passed. Thus, the impugned order is hit by Article 14 of the Constitution of India.

3. 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.
4. 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 an opportunity of hearing to the petitioner and to take a decision about continuation of the petitioner's services at the end of completion of the period of contract.

5. 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 her, shall be decided strictly in accordance with its own merits and law.
6. The writ petition is allowed to the extent indicated above.

Sd/-
(P. Sam Koshy)
Judge